

# Title 260 WAC HORSE RACING COMMISSION

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## DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

### Chapter 260-42

#### POSTPONEMENTS, CANCELLATIONS AND PREFERENCES

260-42-010	Postponement from day to day. [Rules of racing, § 212, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. Later promulgation, see WAC 260-40-275.
260-42-020	Refunds when stake race declared off. [Rules of racing, § 213, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. Later promulgation, see WAC 260-40-245.
260-42-030	Public notice. [Rules of racing, § 214, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-42-040	Preferences—Preferred list. [Rules of racing, §§ 215 through 219, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

### Chapter 260-12 WAC

#### GENERAL RULES

## WAC

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260-12-030	Rules limited to Washington. [Rules of racing, § 4, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-060	Application does not commit commission. [Rules of racing, § 7, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-090	Amendment, etc., of rules. [Rules of racing, § 10, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-170	Eligibility of horses of suspended person. [Rules of racing, § 20, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-190	Racing hours. [Order 73.8, § 260-12-190, filed 10/23/73; Rules of racing, § 321, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-200	Number of races per day. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-12-200, filed 3/9/82; Rules of racing, § 322, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-12-240	Commission to approve distribution of passes, etc. [Rules of racing, § 327, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-12-001 Intent.** The rules adopted by the Washington horse racing commission will be known as the "rules of racing." They have been compiled with the intent to promote integrity in racing and to encourage the breeding and ownership of horses in this state.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-001, filed 5/18/07, effective 6/18/07; Rules of racing, Promulgation, filed 4/21/61.]

**WAC 260-12-010 Definitions.** The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent." A person appointed by a written document signed by the owner with authority to act for the owner.

(7) "Association." Any person or persons, associations, or corporations licensed by the commission to conduct parimutuel wagering on a race meet.

(8) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

(9) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(10) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

(11) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

(12) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

(13) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

(14) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(15) "Claiming." The act of buying a horse out of a race for a specific price.

(16) "Claim box." A box in a specified location where a claim must be deposited to be valid.

(17) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

(18) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

(19) "Clocker." An official that times horses when horses are performing an official workout.

(20) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

(21) "Colt." Male horse under the age of five.

(22) "Commission."

(a) The five-member commission established by RCW 67.16.012; or

(b) The state agency known as the Washington horse racing commission.

(23) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

(24) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

(25) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

(26) "Dead heat." Two or more horses in an exact tie at the finish line.

(27) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

(28) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

(29) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

(30) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(31) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

(32) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising.

(33) "Field." The total horses scheduled to run in a race.

(34) "Filly." A female horse four years and younger.

(35) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

(36) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

(37) "Furosemide." Generic term for a medication used for the treatment of bleeders.

(38) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

(39) "Gelding." A male horse that has been castrated.

(40) "Groom" A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

(41) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

(42) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

(43) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

(44) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

(45) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

(46) "Jockey fee." The money paid to a jockey for riding in a race.

(47) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

(48) "Mare." A female horse five years old or older.

(49) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

(50) "Morning line." A handicapper's approximate odds quoted in the program.

(51) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

(52) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

(53) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

(54) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

(55) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

(56) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

(57) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

(58) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

(59) "Overnight race." A contest for which entries close at a time set by the racing secretary.

(60) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

(61) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

(62) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

(63) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

(64) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

(65) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

(66) "Pick six." A type of wager requiring the patron to select the winners of six consecutive races.

(67) "Pick three" or "pick four." A type of wager requiring the patron to select the winners of three or four consecutive races.

(68) "Place." To finish second in a race.

(69) "Poles." Markers positioned around the track indicating the distance to the finish line.

(70) "Post." The starting position on the track.

(71) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

(72) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

(73) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

(74) "Purse." The amount of prize money offered by the racing association for each race.

(75) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

(76) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

(77) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

(78) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

(79) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

(80) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

(81) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

(82) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

(83) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

(84) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

(85) "Show." To finish third in a race.

(86) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

(87) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

(88) "Stallion." A male horse which can be used for breeding purposes.

(89) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

(90) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

(91) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

(92) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

(93) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

(94) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

(95) "Test barn." The enclosure to which selected horses are taken for post race testing.

(96) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over

the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

(97) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

(98) "Turf course." A racing surface comprised of grass.

(99) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

(100) "Washington bred." A horse that was foaled in the state of Washington.

(101) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

(102) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

(103) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

(104) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-010, filed 5/18/07, effective 6/18/07; 81-15-034 (Order 81-06), § 260-12-010, filed 7/10/81; 81-08-013 (Order 81-01), § 260-12-010, filed 3/24/81; Rules of racing, Rule 1.22(22), filed 8/23/66; Rules of racing, §§ 1-1.47, filed 4/21/61; subsection (12) amended, filed 3/11/65; subsection (14) amended, filed 8/26/65.]

**WAC 260-12-020 To whom rules apply.** (1) The rules of racing apply to all persons, associations, partnerships, or corporations holding or conducting a race meet within the state of Washington where the parimutuel wagering system is used.

(2) These rules also apply to any participant in, or patron of, any race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-020, filed 5/18/07, effective 6/18/07; Rules of racing, § 2, 3, filed 4/21/61.]

**WAC 260-12-040 Every license is conditioned on licensee enforcing and observing the rules of racing.** Every license to hold a race meet is granted upon the condition that the licensee will accept, observe, and enforce the rules of racing. It is the duty of each officer, director, and every official and employee of the licensee to comply with the rules of racing and to report violations to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-040, filed 5/18/07, effective 6/18/07; Rules of racing, § 5, filed 4/21/61.]

**WAC 260-12-050 When are race dates required to be submitted for approval?** Racing associations must submit their proposed live race dates to the executive secretary by February 1st of each year. The commission will consider and determine whether to approve the dates at the next regularly scheduled commission meeting. The commission may extend, reduce or otherwise modify the race dates.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-050, filed 5/18/07, effective 6/18/07; 81-18-020 (Order 81-07), § 260-12-050, filed 8/25/81; Rules of racing, § 6, filed 4/21/61.]

**WAC 260-12-070 The commission may refuse to issue license—Criteria.** The commission may refuse to issue

a license to conduct a race meet. The commission will consider the following factors in making its decision:

- (1) Opportunity for the sport to properly develop;
- (2) Avoidance of competition with established tracks;
- (3) Extent of community support for the promotion and continuance of the tracks;
- (4) The character and reputation of the individuals identified in the license application; and
- (5) Any other relevant factors.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-070, filed 5/18/07, effective 6/18/07; Rules of racing, § 8, filed 4/21/61.]

**WAC 260-12-080 Assignment of license—Racing days.** No license or any part of a license is transferable or assignable in any manner without the prior approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-080, filed 5/18/07, effective 6/18/07; Rules of racing, § 9, filed 4/21/61.]

**WAC 260-12-100 Laws and rules supersede race conditions.** The laws of Washington and the rules promulgated by the commission supersede the conditions of a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-100, filed 5/18/07, effective 6/18/07; Rules of racing, § 11, filed 4/21/61.]

**WAC 260-12-110 Commission's right of entry.** Members of the commission, its officials, and employees have the right of full and complete entry to any and all parts of the association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-110, filed 5/18/07, effective 6/18/07; Rules of racing, § 12, filed 4/21/61.]

**WAC 260-12-115 Parimutuel equipment subject to approval.** All equipment, used within the parimutuel department for the sale, calculation, display of odds, or cashing of tickets, is subject to the approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-115, filed 5/18/07, effective 6/18/07; Order 77.1, § 260-12-115, filed 4/22/77.]

**WAC 260-12-120 Commission offices and personnel.** Each association must provide within its grounds an office for the use of the commission, its officials and employees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-120, filed 5/18/07, effective 6/18/07; Rules of racing, § 13, filed 4/21/61.]

**WAC 260-12-150 Denial of admission to grounds—Suspended persons and horses.** A person who is denied, suspended, or revoked by another recognized racing jurisdiction may not be admitted to the grounds of any racing association in Washington. A horse owned or trained by a person who is denied, suspended, or revoked may not be allowed on the grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-150, filed 5/18/07, effective 6/18/07; Rules of racing, § 18, filed 4/21/61.]

**WAC 260-12-180 Safety equipment required.** (1) When on association grounds, all persons on horseback must wear a securely fastened safety helmet that meets current standards for equipment designed and manufactured for use

while riding horses as established by the American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI), the British Standards Institute (BSI) or similar organization.

(2) All persons on horseback must wear a securely fastened safety vest that is designed to provide shock-absorbing protection of:

(a) "Level 1," as defined by the 2000 British Equestrian Trade Association (BETA) Horse Rider's Body and Shoulder Protectors; or

(b) American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI) standard F1937-04 (Specification for Body Protectors Used in Horse Sports and Horseback Riding).

(3) All persons on horseback must wear equestrian footwear that covers the rider's ankle with a minimum of a 1/2 inch heel, except jockeys while riding in a race who must wear jockey boots as required by WAC 260-32-100.

This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-180, filed 5/18/07, effective 6/18/07; 06-07-067, § 260-12-180, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 01-01-035, § 260-12-180, filed 12/8/00, effective 1/8/01. Rules of racing, § 24, filed 4/21/61.]

**WAC 260-12-210 Post time of first race.** The commission will approve the post time of the first race of each race day for each licensed race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-210, filed 5/18/07, effective 6/18/07; Rules of racing, § 323, filed 4/21/61.]

**WAC 260-12-220 Race conditions to be provided.** Each association conducting racing in Washington must provide the stewards a copy of the conditions of races the association proposes to hold, together with the stakes schedule.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-220, filed 5/18/07, effective 6/18/07; Rules of racing, § 324, filed 4/21/61.]

**WAC 260-12-230 Information to be filed before opening a race meet.** No less than ten days before opening of a race meet each association licensed to conduct a race in Washington must file with the commission:

(1) A financial statement of the association.

(2) A list of stockholders and the amount of stock held by each. Any change in the officers or stockholders, or in the holdings of any individual stockholder of an association must be reported to the commission immediately. This rule will apply during the entire term of any license granted by the commission.

The commission may require additional information in writing from the association, or it may ask the officers of any association to appear in person to provide additional information.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-230, filed 5/18/07, effective 6/18/07; Rules of racing, § 326, filed 4/21/61.]

**WAC 260-12-235 Accepted conditions of race meeting.** The association is obligated to conduct parimutuel rac-

ing, except in the case of emergencies, on each race date allocated. The commission must approve any change in race dates. In the case of emergencies the stewards may authorize cancellation of all or a portion of any race day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-235, filed 5/18/07, effective 6/18/07; Order 75-1, § 260-12-235, filed 2/18/75.]

**WAC 260-12-250 Problem gambling information sign must be posted.** All Class A, B and C licensees, including satellite locations, must post problem and compulsive gambling informational signs, which contain a toll-free help line number in locations of their establishments. The informational signs must be clearly visible to patrons, and must remain posted whenever parimutuel wagering is authorized. The informational signs will be provided to the licensee by the horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-250, filed 5/18/07, effective 6/18/07; 05-17-084, § 260-12-250, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 67.16.040. 95-07-142, § 260-12-250, filed 3/22/95, effective 4/22/95.]

**WAC 260-12-260 Disposition of Class C purse funds due to the cancellation of races.** (1) In the event a Class C race meet cancels races (due to weather or the inability to fill races) the unused purse funds provided under RCW 67.16.-105 may, with approval, be used by the racing association to adjust purses for other races at the licensed race meet for which the purse funds were provided. If only one race is canceled per day, the stewards may approve an adjustment of purses. If more than one race is canceled, approval to adjust purses must come from the executive secretary.

(2) The racing association must return the unused purse funds if adjustment of purses is not appropriate (for example - only one race is held during the race meet).

(3) If the entire Class C race meet is canceled or if an adjustment to purses is not appropriate, all undistributed purse funds provided under RCW 67.16.105 must be returned to the commission within thirty days of cancellation of the race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-260, filed 5/18/07, effective 6/18/07.]

## Chapter 260-14 WAC

### RULES RELATING TO COMMISSIONERS AND COMMISSION EMPLOYEES

#### WAC

260-14-010	Definitions.
260-14-020	Prohibited acts.
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260-14-040	Wagering.
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260-14-060	Performance of compensated services on behalf of associations prohibited.
260-14-070	Violations.

**WAC 260-14-010 Definitions.** The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Commissioner." A member of the Washington state horse racing commission.

(2) "Employee." Any full or part time employee of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-010, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-05-090, § 260-14-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 83-19-054 (Order 83-04), § 260-14-010, filed 9/19/83; Order 73.3, § 260-14-010, filed 6/28/73.]

**WAC 260-14-020 Prohibited acts.** No commissioner or employee may accept any thing of economic value, as defined in chapter 42.52 RCW, from any applicant, licensee, or association except as allowed by law.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-020, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-020, filed 6/28/73.]

**WAC 260-14-030 Ownership interest in associations.** No commissioner or employee may have any ownership interest in any association which seeks race meet dates.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-030, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-030, filed 6/28/73.]

**WAC 260-14-040 Wagering.** A commissioner, employee, or the spouse of a commissioner or employee may not make any wager as follows:

(1) On the outcome of any race at a facility under the jurisdiction of the commission;

(2) With an authorized advanced deposit wagering service provider licensed by the commission; or

(3) On the outcome of any horse race at a race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-040, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-14-040, filed 10/18/04, effective 11/18/04; Order 73.3, § 260-14-040, filed 6/28/73.]

**WAC 260-14-050 Ownership interests in race horses.** No commissioner or employee may have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-050, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-19-046, § 260-14-050, filed 9/13/04, effective 10/14/04; Order 75.2, § 260-14-050, filed 4/17/75; Order 73.3, § 260-14-050, filed 6/28/73.]

**WAC 260-14-060 Performance of compensated services on behalf of associations prohibited.** No commissioner or employee of the commission may receive any compensation whatsoever from an association for any services performed for or on behalf of an association or performed during a race meet for which he or she is employed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-060, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-060, filed 6/28/73.]

**WAC 260-14-070 Violations.** (1) Any violation of any of the rules in this chapter by any commissioner will be considered official misconduct and will be reported by the executive secretary to the governor.

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(2) Any violation by any employee will be considered misconduct and will be grounds for discipline, including termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-070, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-070, filed 6/28/73.]

## Chapter 260-16 WAC WASHINGTON-BRED HORSES

### WAC

260-16-040	Washington-bred horses.
260-16-050	Certification of Washington-bred horses.
260-16-065	Washington-bred owner's bonus and breeder's award distribution formula.
260-16-075	Nonprofit race meets exempt from the requirement to collect and distribute owner's bonus and breeder's awards.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-16-010	Harness racing. [Rules of racing, § 29, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-020	Quarter horse racing. [Rules of racing, § 30, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-030	Produce races. [Rules of racing, §§ 207, 208, 209, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-060	Certification of Washington-bred horses—Thoroughbreds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-060, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-070	Racing commission funds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-070, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-080	Certification of Washington-bred horses—Standardbreds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-080, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-16-090	Arabian horses—Certification. [Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-16-090, filed 2/24/88.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-16-040 Washington-bred horses.** (1) To encourage the breeding of horses in the state of Washington, at least one race per race day at Class A, B, and C race meets, whether advertised or not, shall consist exclusively of Washington-bred horses. (RCW 67.16.070)

(2) Only horses certified as Washington-bred, are eligible to run in a Washington-bred only race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-040, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-040, filed 10/16/86; Rules of racing, § 320, filed 4/21/61.]

**WAC 260-16-050 Certification of Washington-bred horses.** (1) For purposes of the distribution of the owner's bonus and breeder's awards, a Washington-bred horse is one that meets the following requirements:

(a) The horse was foaled within the boundaries of the state of Washington; and

(b) The horse is certified as Washington-bred for its breed or issued a certificate of foal registration by the respective organization listed in subsection (2) of this section.

(2) The following associations are recognized by the commission for the purpose of certification of their respective breed as Washington-bred horses:

(a) The Jockey Club for thoroughbreds;

(b) The American Quarter Horse Association, for quarter horses;

(c) The Appaloosa Horse Club, for appaloosas;

(d) The Arabian Horse Association, for Arabian horses; and

(e) The American Paint Horse Association, for paint horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-050, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-050, filed 10/16/86.]

**WAC 260-16-065 Washington-bred owner's bonus and breeder's award distribution formula.** (1) The one percent Washington-bred owner's bonus funds collected from each racing association must be paid in accordance with RCW 67.16.102 by the commission at the end of the race meet to the licensed owners of Washington-bred horses finishing first, second, third and fourth in the racing association's race meet. The formula for the equitable distribution of the one percent Washington-bred owner's bonus funds will be as follows:

(a) Calculate the payment factor by dividing the total Washington-bred owner's bonus funds collected at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing first, second, third, and fourth in the race meet.

(b) Multiply the winnings (earnings) of each Washington-bred owner by the payment factor to determine the amount of the Washington-bred owner's bonus to be paid to the owner.

(2) The Washington-bred breeder's award funds must be collected by the Class A or B racing association as required in RCW 67.16.175, and will be distributed by the commission. The award funds must be paid to the breeder of record of Washington-bred horses finishing first, second, and third in the racing association's race meet. The formula for the distribution of the breeder's awards at each Class A or B racing association will be as follows:

(a) Seventy-five percent of the breeder's award funds will be allocated to those Washington-bred horses finishing first. To calculate the payment factor for first place Washington-bred horses, divide the total Washington-bred breeder award fund allocated to first place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing first at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(b) Fifteen percent of the breeder's award funds will be allocated to those Washington-bred horses finishing second. To calculate the payment factor for second place Washing-

ton-bred horses, divide the total Washington-bred breeder award fund allocated to second place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing second at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(c) Ten percent of the breeder's award funds will be allocated to those Washington-bred horses finishing third. To calculate the payment factor for third place Washington-bred horses, divide the total Washington-bred breeder award fund allocated to third place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing third at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(d) The racing association is not required to include any interest or other financial benefit earned during the collection of the breeder's award.

(3) Owner's bonus and breeder's awards must be distributed within ninety days after the end of the race meet at which they were generated. Any owner's bonus or breeder's award that cannot be delivered to the rightful recipient within the time frames in chapter 63.29 RCW will be forwarded to the department of revenue as unclaimed property as required in chapter 63.29 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-065, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.102. 04-05-091, § 260-16-065, filed 2/18/04, effective 3/20/04.]

**WAC 260-16-075 Nonprofit race meets exempt from the requirement to collect and distribute owner's bonus and breeder's awards.** Nonprofit race meets, as defined in RCW 67.16.105(1) and 67.16.130(1) are exempt from the requirements to collect and distribute owner's bonus and breeder's awards as outlined in this chapter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-075, filed 6/15/07, effective 7/16/07.]

## Chapter 260-20 WAC

### ASSOCIATION GROUNDS AND FACILITIES

#### WAC

260-20-005	General duty of a racing association.
260-20-010	Duty to maintain racetrack.
260-20-012	Audio and visual equipment.
260-20-013	Racetrack, rails and starting gate.
260-20-015	Lighting.
260-20-016	Barns.
260-20-017	Test barn.
260-20-030	Fire prevention.
260-20-040	Admission to grounds—Restricted areas.
260-20-050	Passes.
260-20-075	Firearms prohibited on association grounds.
260-20-090	Association security.
260-20-160	Medical aid.
260-20-165	Equine ambulance.
260-20-180	Facilities for jockeys.
260-20-190	Living quarters for stable employees.
260-20-210	Manure and refuse disposal.
260-20-220	Standard color designations for distance poles.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

260-20-020	Duty of commission employees relative to health, safety, and order. [Rules of racing, § 342, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-060	Unauthorized persons—Exclusion from stables. [Order 73.7, § 260-20-060, filed 12/3/73; Rules of racing, § 21, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-070	Unauthorized persons—Exclusion from paddock. [Rules of racing, § 22, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-100	Responsibility of police and watchmen—Letter of instructions. [Rules of racing, § 337, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-110	Stable enclosures—Fencing—Admission to. [Rules of racing, § 338, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-120	Report by bureau or security officer of arrests and bookings. [Rules of racing, § 340, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-130	Report by officer in charge of night force. [Rules of racing, § 341, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-140	Electric timing apparatus. [Rules of racing, § 278, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-150	Patron gates. [Rules of racing, § 328, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-170	First-aid equipment and personnel. [Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-20-170, filed 2/24/88. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-20-170, filed 7/10/81; Rules of racing, § 330, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-20-200	Drinking water, toilets, for patrons and invitees. [Rules of racing, § 333, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-20-005 General duty of a racing association.** A racing association, its officers, directors, officials and employees will abide by and enforce the rules of racing and the orders of the commission and decisions of the stewards. A racing association may request an exemption from a requirement in this chapter to utilize new technology or innovative construction in the design of the racetrack facilities. The commission may grant an exemption if the commission determines that the racing association's proposal substantially satisfies the purpose of the requirement, and the exemption is in the best interests of horse racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-005, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-010 Duty to maintain racetrack.** Weather conditions permitting, the racing association must:

- (1) Maintain their racetrack in a condition that is safe for the riders and horses; and
- (2) Have implements available to maintain a uniform track.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-010, filed 5/18/07, effective 6/18/07; Rules of racing, § 335, filed 4/21/61.]

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**WAC 260-20-012 Audio and visual equipment.** (1) A racing association must provide and maintain a working communication system between the stewards' stand, race office, tote room, jockeys' quarters, paddock, test barn, starting gate, weigh-in scale, video camera locations, clockers' stand, track announcer, location of the aid vehicle and equine ambulance, and other locations and persons designated by the commission or designee.

(2) A racing association must have a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(3) If the commission does not provide photo finish service, a racing association is required to:

(a) Provide two electronic photo finish devices with mirror image to photograph the finish of each race. The commission, or designee will approve the location and operation of the photo finish devices before their first use in a race.

(b) Promptly post a photograph or digital image of each photo finish for win, place or show in an area accessible to the public.

(c) Ensure the photo finish devices are calibrated before the first day of each race meet and at other times as required by the commission, or designee.

(d) Provide, when requested, and without cost, a print of a photo finish to the commission, or designee.

(4) A racing association must provide an electronic timing system that records the time of each race in at least fifths of a second. The association will maintain this system and all split time marker sensors in good working order.

(5) A racing association must provide a videotaping system approved by the commission, or designee. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, will be provided in the stewards' stand. The commission, or designee will approve the location and construction of video towers.

(a) One camera will videotape the prerace loading of all horses into the starting gate and will continue to videotape them until the starter dispatches the field.

(b) One camera will videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

(c) The board of stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

(6) Races run at a Class A or B track must be recorded by at least three video cameras. Races run at a Class C track must be recorded by at least two video cameras.

(7) A racing association must, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(8) Videotapes recorded prior to, during and following each race will be maintained by the association for not less than six months after the end of the race meet, or such other period as is directed by the stewards, the commission, or designee.

(9) Following any race in which there is an inquiry or objection, the association will display to the public the video-



taped replays of the incident in question, which were utilized by the stewards in making their decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-012, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-013 Racetrack, rails and starting gate.**

(1) The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the riders and horses.

(2) Prior to the first race meet at an association racetrack, a licensed surveyor may be required to provide to the commission a certified report of the grade and measurement of the distances to be run. If required, the surveyor's report must be submitted to the commission for approval prior to the first race day of the meet.

(3) Distances to be run will be measured from the starting line at a distance three feet out from the inside rail.

(4) A racing association will provide a drainage system for the racetrack.

(5) A racing association will provide backup equipment for maintaining the track surface. An association that conducts races on a turf track will:

(a) Maintain an adequate stockpile of growing medium; and

(b) Provide a system capable of adequately watering the entire turf course evenly.

(6) Racetracks, including turf tracks, will have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of riders and horses.

The top of the rail must be at least thirty-eight inches but not more than forty-two inches above the top of the cushion. The commission, or designee must approve the design and construction of rails prior to the first race at the track.

(7) During racing hours, Class A and B associations must provide at least two operable padded starting gates. Class C associations must provide at least one operable padded starting gate. The stewards will approve all starting gates.

(8) A racing association must make at least one starting gate and qualified starting gate personnel available for schooling at least five weeks prior to the first day of their live race meet.

(9) A racing association will ensure that an adequate amount of assistant starters are available for each horse in an official race.

(10) If a race is started at a place other than in a chute, the association will provide backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-013, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-015 Lighting.** (1) A racing association will provide lighting for the racetrack and the patron facilities to ensure the safety and security of the patrons, licensees and horses.

(2) A racing association will provide additional lighting in the stable area.

(3) If a racing association conducts racing at night, the association will maintain a backup lighting system that is sufficient to ensure the safety of race participants and patrons.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-015, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-016 Barns.** (1) All racing associations will ensure that the barns are kept clean and in good repair. At Class A and B racing associations, each barn, including the receiving and test barns, must have a hot and cold water supply available, be well-ventilated, and have proper drainage.

(2) All racing associations will ensure that each horse is stabled in an individual box stall with minimum dimensions of ten by ten feet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-016, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-017 Test barn.** (1) All racing associations must provide a test barn for taking specimens for testing. The test barn must be equipped with:

(a) A walk ring that is large enough to accommodate four horses;

(b) An approved amount of enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;

(c) Facilities for the collection, identification and storage of samples;

(d) A wash-rack that is large enough to accommodate an adequate number of horses at the same time;

(e) Hot and cold running water at Class A and B racing associations.

(2) A racing association will limit access to the test barn to persons authorized by the official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-017, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-030 Fire prevention.** (1) A racing association will develop and implement a program for fire prevention on association grounds. An association will instruct employees working on association grounds of the procedures for fire prevention. The racing association must retain inspection reports for three years and upon request make them available to the commission, or designee.

(2) No person may:

(a) Smoke in stalls, feed rooms, dormitory rooms, stable offices, or under shed rows;

(b) Tamper with a fire protection, prevention or suppression system or device;

(c) Burn open fires or oil and gas lamps in the stable area;

(d) Leave unattended any electrical appliance that is plugged in to an electrical outlet;

(e) Permit horses to come within reach of electrical outlets or cords;

(f) Store flammable materials such as cleaning fluids or solvents in the stable area; or

(g) Lock a stall that is occupied by a horse.

(3) A racing association must post a notice in the stable area that lists the prohibitions outlined above.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-030, filed 5/18/07, effective 6/18/07; 80-01-033 (Order 79-05), § 260-20-030, filed 12/17/79; Rules of racing, § 26, filed 4/21/61.]

**WAC 260-20-040 Admission to grounds—Restricted areas.** (1) A person may only be permitted to enter the restricted areas of the racing association grounds under the following conditions:

(a) The person possesses a license or credentials issued by the commission.

(b) The person possesses a pass issued by the association.

(c) The person has been signed-in by a person licensed by the commission.

(2) The restricted areas of a racing association will include, but not be limited to the stable area, and the jockey's quarters.

(3) Children may be granted access to the stable areas as long as they are in the company of a parent or guardian who has a properly issued license, credential, or pass.

(4) Persons escorted by a licensee must remain in the company of the licensee who signed them in.

(5) At a Class C racing association, the stable areas will not be considered a restricted area, except that the racing association may limit access to this area.

(6) Passes must be displayed while in a restricted area.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-040, filed 5/18/07, effective 6/18/07; Rules of racing, § 339, filed 4/21/61.]

**WAC 260-20-050 Passes.** The racing association may issue passes to allow access to restricted areas of the grounds. Each pass must be numbered and kept in numerical order in the association's records. The commission may inspect these records at any time.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-050, filed 5/18/07, effective 6/18/07; Rules of racing, § 244, filed 4/21/61.]

**WAC 260-20-075 Firearms prohibited on association grounds.** Firearms are not permitted on the grounds of any racing association, except by security personnel employed by the association and law enforcement officers. Any person who brings or possesses firearms on the grounds may be suspended and/or ejected from the grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-075, filed 5/18/07, effective 6/18/07; 81-08-013 (Order 81-01), § 260-20-075, filed 3/24/81.]

**WAC 260-20-090 Association security.** (1) A racing association conducting a race meet must maintain security controls over its grounds.

(2) An association will prevent access to, and will remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

(3) Class A or B racing associations must provide continuous security in the stable area during all times that horses are stabled on the grounds. An association will require any person entering the stable area to display a valid license or credential issued by the commission or a pass issued by the association.

(4) Class A or B racing associations must provide fencing around the stable area in a manner that is approved by the commission.

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(5) Not later than twenty-four hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to commission security a written report describing the incident, which may be forwarded to the stewards for disciplinary action. The report must include the name of each individual involved in the incident and the circumstances of the incident.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-090, filed 5/18/07, effective 6/18/07; Rules of racing, § 336, filed 4/21/61.]

**WAC 260-20-160 Medical aid.** (1) Racing associations must provide a vehicle properly equipped and staffed with two emergency medical technicians, one hour before post time until the last race is official, each day the track is open for racing.

(2) Class A or B racing associations must also provide a first-aid room equipped with at least two beds and other appropriate equipment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-01-054, § 260-20-160, filed 12/13/07, effective 1/13/08. Rules of racing, § 329, filed 4/21/61.]

**WAC 260-20-165 Equine ambulance.** (1) A racing association must provide an equine ambulance staffed by trained personnel on association grounds each day that the racetrack is open for racing or training. The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use. The ambulance must be a vehicle that restricts view of the injured horse and large enough to accommodate a horse in distress. The ambulance must be able to navigate on the racetrack during all weather conditions and transport a horse off the racing surface. The ambulance must be equipped with:

(a) Large, portable screens to shield a horse from public view;

(b) A system to facilitate loading an injured horse;

(c) Adequate means of loading a horse that is down;

(d) A rear door and a door on each side;

(e) A shielded area for the person who is attending to the horse; and

(f) An adequate area for the storage of water and veterinary drugs and equipment.

(2) A racing association may not conduct a race unless an equine ambulance or an official veterinarian approved substitute is available.

(3) The official veterinarian, its supplies and attendants and the operating procedures for the equine ambulance are subject to review and approval by the official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-165, filed 5/18/07, effective 6/18/07.]

**WAC 260-20-180 Facilities for jockeys.** Each racing association will provide facilities for the use of jockeys separate from the public areas.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-180, filed 5/18/07, effective 6/18/07; Rules of racing, § 331, filed 4/21/61.]

**WAC 260-20-190 Living quarters for stable employees.** Class A and B racing associations will provide sanitary living quarters for grooms and other stable employees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-190, filed 5/18/07, effective 6/18/07; Rules of racing, § 332, filed 4/21/61.]

**WAC 260-20-210 Manure and refuse disposal.** Each racing association will provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area in a timely manner.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-210, filed 5/18/07, effective 6/18/07; Rules of racing, § 334, filed 4/21/61.]

**WAC 260-20-220 Standard color designations for distance poles.** A racing association must provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand. The starting point markers and distance poles must be marked as follows:

1/4 Poles	Red and White Horizontal Stripes
1/8 Poles	Green and White Horizontal Stripes
1/16 Poles	Black and White Horizontal Stripes

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-220, filed 5/18/07, effective 6/18/07; Rules of racing, § 424, filed 3/11/65.]

## Chapter 260-24 WAC

### ASSOCIATION OFFICIALS AND EMPLOYEES

#### WAC

260-24-510 Stewards.

#### **WAC 260-24-510 Stewards.** (1) General authority:

(a) The stewards for each race meet are responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards will enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC. The stewards will take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches will be monitored by a steward;

(e) The stewards have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority will commence and terminate at the direction of the executive secretary. One steward will be designated as the presiding steward by the executive secretary.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-84-060 and 260-84-110;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges for not more than one year per violation;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(b) The stewards' imposition of reprimands, fines and suspensions will be based on the penalties in chapter 260-84 WAC.

For any violation not specifically listed in chapter 260-84 WAC, the stewards have discretion to impose the penalties as provided in (a) of this subsection.

(c) The stewards may direct a jockey to meet with the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst must appear when directed. Failure to appear when directed will be considered a violation of the rules of racing for which penalties may be imposed.

(d) The stewards have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(e) The stewards must serve notice of a conference to person(s) alleged to have committed a violation, which must contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(f) Failure to appear for a ruling conference will be considered a violation of the rules of racing for which penalties may be imposed.

(g) It is the duty and obligation of every licensee to make full disclosure to the board of stewards and commission investigators conducting an investigation into any alleged violation of these rules, of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards or commission investigators on any relevant matter within the authority of the stewards or commission, except in the proper exercise of

a legal privilege, nor may any person respond falsely before the stewards or to commission investigators.

(h) At the ruling conference, the stewards will allow the person alleged to have committed a violation to make a statement regarding the alleged violation.

(i) All ruling conferences will be recorded.

(j) Every ruling by the stewards from a ruling conference must be served in writing on the person(s) or parties found in violation within five days and must include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of the options of the person found in violation, which must include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' ruling within seven days of service of the ruling.

(k) Any penalty imposed by the stewards will be stayed if a request for hearing before the commission is filed within the seven days of service of the ruling.

(l) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. The hearing before the commission will occur within thirty days of filing the request for hearing before the commission.

(m) The stewards' ruling will be posted and a copy provided to the racing association.

(n) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty will be imposed.

(o) "Service" of the notice of ruling conference or a stewards' ruling may be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(p) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or ejecting the person from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards will ensure that an investigation is conducted and a decision is rendered in every protest, objection and complaint made to them. The stewards are vested with the power to determine

the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward will be on duty at the track beginning three hours prior to first race post time.

(b) Three stewards must be present in the stewards' stand during the running of each race. In case of emergency, the executive secretary may appoint a substitute steward.

(6) Order of finish for parimutuel wagering:

(a) The stewards will determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, is final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards will prepare a weekly report of their regulatory activities. The report will contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, complaints and conferences. The report will be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meeting, the presiding steward will submit a written report regarding the race meeting to the executive secretary. The report will contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards will maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(e) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards'

list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

[Statutory Authority: RCW 67.16.020, 07-03-067, § 260-24-510, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 05-07-065, § 260-24-510, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020, 04-17-082, § 260-24-510, filed 8/16/04, effective 9/16/04; 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040, 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

## Chapter 260-28 WAC

### OWNERSHIPS, TRAINERS AND EMPLOYEES

#### WAC

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260-28-030	Financial responsibility.
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260-28-060	Engagements and transfer.
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260-28-240	Trainer—Restriction as to horses owned by disqualified person.
260-28-280	Trainer—Reporting sickness of horse.
260-28-295	Trainer responsibility.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-28-040	Feed and supplies may be bought at open market. [Rules of racing, § 25, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-090	Owner to register horses with racing secretary. [Rules of racing, § 176, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-150	Registration of stable personnel. [Rules of racing, § 183, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-160	Partnerships. [Rules of racing, §§ 197, 198, 199, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-170	Duty to name jockey upon making entry. [Rules of racing, § 279, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-180	Trainer—Insurer of condition of horse. [Rules of racing, § 280, filed 4/21/61.] Repealed by 07-03-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020.
260-28-190	Trainer—Authority to represent owner. [Rules of racing, § 281, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-250	Trainer—Bribery prohibited. [Rules of racing, § 288, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-28-260	Trainer—Removing horses from grounds. [Rules of racing, § 289, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-28-270

Trainer—Employing jockey to prevent riding. [Rules of racing, § 290, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-28-010 Authorized agent.** An authorized agent is a person appointed by an owner or by a stable to act as their agent. Before an authorized agent can act on behalf of the owner or the stable, the agent must be licensed by the commission as an authorized agent. All licensed authorized agents must also file a notarized document signed by the owner or stable manager with the commission verifying their authorization to act as authorized agent along with the scope of their duties. A trainer is not required to be an authorized agent in order to represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-07-007, § 260-28-010, filed 3/8/07, effective 4/8/07; Rules of racing, § 32, filed 4/21/61.]

**WAC 260-28-020 Stable names—Registration fees and restrictions.** Licensed owners and lessees may adopt a stable name subject to the approval of the stewards.

(1) Four or more owners are required to race under a stable name.

(2) The applicant must identify all persons using the stable name. Changes must be reported immediately to the stewards.

(3) Application for a stable name must include a designation of a managing owner and an address. Receipt of any correspondence, notice or order at such address will constitute official notice to all persons involved in the ownership of such horse.

(4) All persons with an ownership interest in the stable name must comply with all rules regarding licensing of owners.

(5) A person who has registered a stable name may cancel it upon written notice to the stewards.

(6) The stewards will not approve a stable name that has been registered by any other person with any association conducting a recognized race meeting.

(7) No stable name may be used, if in the judgment of the stewards, it is being used for advertising purposes.

(8) A stable name must be clearly distinguishable from other stable names.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-07-007, § 260-28-020, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020, 04-24-019, § 260-28-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040, 80-01-034 (Order 79-06), § 260-28-020, filed 12/17/79; Order 71-9, § 260-28-020, filed 6/2/71; Rules of racing, § 31, filed 3/11/65; subsection (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

**WAC 260-28-030 Financial responsibility.** (1) A licensee may not willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. A licensee may not falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a

civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) A licensee may not write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is grounds for license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-030, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

**WAC 260-28-050 Colors—Registration and fees.** (1) Racing colors must be registered, and authority for their use approved by a steward. Approval will be made annually when the owner's license is approved.

(2) Colors registered with any racing commission or with the Jockey Club will be honored in Washington and only the registrant will be permitted to use them.

(3) No person may start a horse in racing colors other than those registered in his/her name or stable name. A temporary change of racing colors must first be authorized by the jockey room supervisor.

(4) Any disputes related to racing colors will be decided by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-050, filed 3/8/07, effective 4/8/07; 82-14-012 (Order 82-05), § 260-28-050, filed 6/25/82; Rules of racing, § 64, filed 4/21/61.]

**WAC 260-28-060 Engagements and transfer.** (1) When a horse is claimed, any nominations previously made to a stake or any breed association sponsored race for the horse will remain valid.

(2) Nominations, entries or rights of entry remain valid when a horse is sold or claimed, except when the horse is transferred to a person whose license is suspended or who is

otherwise disqualified to race or enter the horse, then the nomination will be void as of the date of the transfer.

(3) The death of a nominator to a stake race will not render void any nomination, entry, or right of entry. All rights, privileges and obligations will attach to the legal heir of the decedent or the new owner of the horse.

(4) If a horse is sold or claimed the seller cannot withdraw the horse from any engagements.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-060, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 88 through 92, filed 4/21/61.]

**WAC 260-28-070 Ownerships to be filed with commission and racing secretary.** Before a horse may start, all persons with an ownership interest in the horse must be disclosed to the commission and racing secretary.

(1) A trainer's entitlement to a percentage of a horse's winnings is not considered an ownership interest.

(2) If ownership changes during the race meet, the new owner must notify the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 107, filed 4/21/61.]

**WAC 260-28-080 Ownership by corporations, companies, or other organizations.** (1) If the legal owner of any horse is a corporation, company, or other organization, each shareholder or member must be licensed.

(2) Each corporation, company, or other organization must disclose to the commission all shareholders or members of the organization.

(3) Corporations, companies, or other organizations must submit an application for a stable license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-080, filed 3/8/07, effective 4/8/07; Order 75-1, § 260-28-080, filed 2/18/75; Rules of racing, § 107(a), filed 4/21/61.]

**WAC 260-28-085 Leases.** A horse may be raced under a lease if a completed breed registry or other notarized lease form is attached to the certificate of registration and on file with the commission. The lessee must be licensed as the horse owner. If the legal owner of the horse is ineligible for licensing, the lessee will not be licensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-085, filed 3/8/07, effective 4/8/07.]

**WAC 260-28-100 Change of trainers.** If an owner changes trainers, he/she must notify the racing commission within seventy-two hours. This form must be signed by the new trainer acknowledging that he/she accepts responsibility for the horse or horses, and by the previous trainer to release any obligations in connection with the horse or horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-100, filed 3/8/07, effective 4/8/07; Rules of racing, § 178, filed 4/21/61.]

**WAC 260-28-110 Employment of jockey to prevent riding.** An owner or trainer may not employ a jockey for the purpose of preventing the jockey from riding in any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 179, filed 4/21/61.]

**WAC 260-28-120 Bribes and gratuities.** An owner or trainer may not accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or which was intended to influence the result of any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-120, filed 3/8/07, effective 4/8/07; Rules of racing, § 180, filed 4/21/61.]

**WAC 260-28-130 May not employ unlicensed veterinarian.** Owners and trainers will only employ veterinarians who are properly licensed by the Washington state department of health and the commission. Racing associations will use all reasonable efforts to prevent unlicensed veterinarians from practicing on their grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 181, filed 4/21/61.]

**WAC 260-28-200 Trainer—Paddock duties.** (1) A trainer must have his or her horse in the paddock at the time appointed.

(2) A trainer must attend his or her horse in the paddock, and must be present to saddle the horse, unless he/she has obtained the permission of a steward to send another licensed trainer as a substitute.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-200, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 282, 283, filed 4/21/61.]

**WAC 260-28-210 Trainer—Substitute for absent trainer.** If a trainer will be absent from the track where his or her horses are participating in races, the trainer must first obtain a licensed trainer to substitute for him or her during the trainer's absence. The substitute trainer must be approved by a steward prior to the original trainer's absence. The original trainer remains the absolute insurer of any horses he or she has entered. Once a substitute trainer has been approved by a steward, the substitute trainer will then become the absolute insurer of any additional horses he or she may enter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-210, filed 3/8/07, effective 4/8/07; Order 4, § 260-28-210, filed 12/24/69; Rules of racing, § 284, filed 4/21/61.]

**WAC 260-28-220 Trainer—Duty to register horses with racing secretary.** Each trainer must register with the racing secretary all the horses in his or her charge, giving the name, age, sex, breeding and ownership of each horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-220, filed 3/8/07, effective 4/8/07; Rules of racing, § 285, filed 4/21/61.]

**WAC 260-28-230 Trainer—Duty to register personnel—Safety equipment.** A trainer is required to notify the commission of the name of every person in the trainer's employ and is responsible to ensure that all the trainer's employees are properly licensed by the commission before being allowed to work. If a trainer releases any employee from employment, the trainer must notify the stewards within forty-eight hours.

A trainer must ensure that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-230, filed 3/8/07, effective 4/8/07; 06-07-067, § 260-28-230, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 00-06-072, § 260-28-230, filed 3/1/00, effective 4/1/00. Rules of racing, § 286, filed 4/21/61.]

**WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury.** At the time of submitting a license application, all trainers must pay the industrial insurance premium assessment required by RCW 67.16.300 and 51.16.210 for each person in their employment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-235, filed 3/8/07, effective 4/8/07; Rules of racing, § 425, filed 5/4/66.]

**WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person.** A trainer may not have in his or her charge or under his or her supervision any horse owned, in whole or in part, by a disqualified person.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-240, filed 3/8/07, effective 4/8/07; Rules of racing, § 287, filed 4/21/61.]

**WAC 260-28-280 Trainer—Reporting sickness of horse.** A trainer must immediately report any sickness or illness of any of his or her horses to an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-280, filed 3/8/07, effective 4/8/07; Rules of racing, § 291, filed 4/21/61.]

**WAC 260-28-295 Trainer responsibility.** The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer will be held responsible.

(4) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(5) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(6) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(h) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(i) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(j) Ensuring the fitness to perform creditably at the distance entered;

(k) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in chapter 260-70 WAC;

(l) Ensuring proper bandages, equipment and shoes; and

(m) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

[Statutory Authority: RCW 67.16.020, 07-03-065, § 260-28-295, filed 1/16/07, effective 2/16/07.]

## Chapter 260-34 WAC

### DRUG AND ALCOHOL TESTING OF LICENSEES

#### WAC

260-34-020	Drug and alcohol violations.
260-34-030	Testing.

**WAC 260-34-020 Drug and alcohol violations.** No licensee or applicant, while acting in an official capacity or participating directly in horse racing, shall commit any of the following violations:

(1) Be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet;

(2) Engage in the illegal sale or distribution of alcohol;

(3) Engage in the illegal sale or distribution of a controlled substance or possess an illegal controlled substance with intent to deliver;

(4) Possess an illegal controlled substance;

(5) Possess on the grounds of any licensed race meet any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance; or

(6) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

Failure to provide a blood, breath and/or urine sample when directed or intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, shall be considered a refusal to submit to a test.

"Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington shall not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-07-008, § 260-34-020, filed 3/8/07, effective 4/8/07; 06-07-064, § 260-34-020, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-020, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

**WAC 260-34-030 Testing.** (1) A steward of the horse racing commission, a commission security investigator or the commission, acting through the executive secretary, may require any licensee or applicant to provide breath blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation within five years of conviction or release from a correctional institution for that violation. The term "correctional institution" shall include any prison, jail or similar institution in this state or elsewhere.

(c) When a steward or commission security investigator decides to test any licensee or applicant as a condition of any conditional or probationary license.

(d) When any person is riding a horse on the grounds of a licensed racing association.

(2) For licensees or applicants who are subject to a field screening urine test under the provisions in this chapter, and whose test shows the presence of a controlled substance or alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument approved by the state toxicologist in chapter 448-15 WAC or other breath test equipment approved under chapter 448-16 WAC shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has



violated a prohibition on the use or consumption of alcohol established in a conditional license.

[Statutory Authority: RCW 67.16.020, 07-03-064, § 260-34-030, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-07-064, § 260-34-030, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-030, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040, 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040, 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

## Chapter 260-36 WAC LICENSES

### WAC

260-36-010	License required.
260-36-085	License and fingerprint fees.

**WAC 260-36-010 License required.** (1) Any person acting in an official capacity or any person participating directly in horse racing must have a valid license, except as provided in subsection (2) of this section.

(2) The following persons are not required to have a license:

- (a) Commissioners and employees of the commission;
- (b) Persons employed by a racing association who only perform duties of concessions, housekeeping, parking, food and beverage, landscaping or similar functions, and do not act in an official capacity or participate directly in horse racing; and
- (c) Persons employed by an out-of-state racing association and holding a valid license from a recognized racing jurisdiction, who work for a Class A or B racing association as parimutuel clerks for a period not to exceed eight days total in any calendar year.

(3) Decisions regarding who is required to be licensed, if not addressed in this chapter, will be made by the executive secretary. It is a violation of these rules for any person to act in an official capacity or participate directly in horse racing unless licensed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-15-041, § 260-36-010, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-010, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-010, filed 2/9/06, effective 3/12/06. Rules of racing, § 348, filed 4/21/61.]

**WAC 260-36-085 License and fingerprint fees.** The following are the license fees for any person actively participating in racing activities:

Apprentice jockey	\$76.00
Assistant trainer	\$36.00
Association employee—management	\$25.00
Association employee—hourly/seasonal	\$15.00
Association volunteer nonpaid	No fee
Authorized agent	\$25.00
Clocker	\$25.00
Exercise rider	\$76.00
Groom	\$25.00
Honorary licensee	\$15.00
Jockey agent	\$76.00
Jockey	\$76.00
Other	\$25.00
Owner	\$76.00

Pony rider	\$76.00
Service employee	\$25.00
Spouse groom	\$25.00
Stable license	\$47.00
Trainer	\$76.00
Vendor	\$116.00
Veterinarian	\$116.00

The license fee for multiple licenses may not exceed \$116.00, except persons applying for owner, veterinarian or vendor license must pay the license fee established for each of these licenses.

The following are examples of how this section applies:

Example one - A person applies for the following licenses: Trainer (\$76.00), exercise rider (\$76.00), and pony rider (\$76.00). The total license fee for these multiple licenses would only be \$116.00.

Example two - A person applies for the following licenses: Owner (\$76.00), trainer (\$76.00) and exercise rider (\$76.00). The total cost of the trainer and exercise rider license would be \$116.00. The cost of the owner license (\$76.00) would be added to the maximum cost of multiple licenses (\$116.00) for a total license fee of \$192.00.

Example three - A person applies for the following licenses: Owner (\$76.00), vendor (\$116.00), and exercise rider (\$76.00). The license fees for owner (\$76.00) and vendor (\$116.00) are both added to the license fee for exercise rider (\$76.00) for a total license fee of \$268.00.

In addition to the above fees, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually per person regardless of whether the person applies for more than one type of license in that year.

The commission will review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-21-059, § 260-36-085, filed 10/12/07, effective 11/12/07. Statutory Authority: RCW 67.16.020, 07-01-054, § 260-36-085, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-085, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020, 04-24-019, § 260-36-085, filed 11/22/04, effective 12/23/04.]

## Chapter 260-37 WAC LIVE HORSE RACING COMPACT

### WAC

260-37-010	Use of compact committee license—Fee.
260-37-020	Payment of compact committee license use fee.
260-37-030	Compact licensees bound by rules.

**WAC 260-37-010 Use of compact committee license—Fee.** (1) A person holding a valid compact committee license issued under chapter 67.17 RCW who intends to participate in horse racing in Washington must pay a fee for the use of the compact committee license equal to the cost of the same type of license listed in WAC 260-36-085. The fee will be paid to the compact committee, which will forward any such fees collected to the commission at least monthly.

(2) A person holding a valid compact committee license is exempt from paying the fingerprint fee listed in WAC 260-36-085.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-010, filed 3/8/07, effective 4/8/07.]

**WAC 260-37-020 Payment of compact committee license use fee.** The compact committee designated in chapter 67.17 RCW is authorized to make payments to the commission on a monthly payment basis for the license fees charged by the commission to persons for use of their compact committee license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-020, filed 3/8/07, effective 4/8/07.]

**WAC 260-37-030 Compact licensees bound by rules.** All requirements of Title 260 WAC are applicable to persons holding a compact committee license, except where incompatible with the intent of chapter 67.17 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-030, filed 3/8/07, effective 4/8/07.]

## Chapter 260-40 WAC

### ENTRIES, STARTS, NOMINATIONS AND SCRATCHES

#### WAC

260-40-010	Nominations and scratches.
260-40-020	Entry prerequisite to start.
260-40-030	Racing secretary to receive entries and nominations.
260-40-040	Making entries and nominations.
260-40-045	Authority to represent owner.
260-40-050	Ownership interest required—Entries and nominations.
260-40-055	Jockey to be named at the time of entry.
260-40-065	Coupled and multiple entries.
260-40-070	Description and identification of horse.
260-40-075	Required to declare weight, medication, and required equipment changes at the time of entry.
260-40-090	Registration certificate.
260-40-100	Performance records.
260-40-105	Workouts and identification.
260-40-110	Horse must be in care of and saddled by a licensed trainer.
260-40-120	Identification prerequisite to start.
260-40-130	Horses must be on the grounds prior to racing.
260-40-140	Horse must be eligible to start at time of entry.
260-40-145	Prohibiting entry of certain horses.
260-40-160	Horse owned or managed by disqualified person.
260-40-180	Horse on veterinarian's list.
260-40-185	Reporting alteration of sex.
260-40-240	Entrance, nomination, and starting fees.
260-40-245	Refunds when stake race declared off.
260-40-250	Closing time for entries and nominations.
260-40-260	Number of entries and starters.
260-40-275	Postponement from day to day.
260-40-280	Impaired horses.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-40-060	Joint subscriptions and entries. [Rules of racing, § 98, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-080	Refusal of entries and transfers. [Rules of racing, § 100, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-150	Compliance with partnership registration. [Rules of racing, § 109, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-190	Sale to disqualified person voids engagements. [Rules of racing, § 115, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-200	Double entries. [Statutory Authority: RCW 67.16.020 and 67.16.040. 83-16-075 (Order 83-02), § 260-40-200,

filed 8/3/83; 80-01-034 (Order 79-06), § 260-40-200, filed 12/17/79; Rules of racing, § 116, filed 4/21/61; revised 5/4/62, filed 1/21/64.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-40-010 Nominations and scratches.** (1) A horse may not be considered nominated or scratched out of an engagement until the owner, trainer or designee provides written notice to the racing secretary before the time set by the association.

(2) For stake races, if a horse is not named through the entry box before the close of entries for that race, the horse is automatically out.

(3) If the validity of any nomination is alleged, the complainant must provide satisfactory proof of the error that is alleged; otherwise, the nomination will be accepted.

(4) Any owner, trainer, or designee who has entered a horse will be allowed the right to scratch the horse from the race entered prior to the published scratch time, until no fewer than eight interests remain in the race. If there are more requests to scratch than are available, permission to scratch must be decided by lot. However, in all races involving the daily double, no entry may be scratched that would reduce the starting field to less than the number designated by the racing secretary, without permission of the board of stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the board of stewards.

(5) All horses must be scratched by the designated scratch time set by the association, and consistent with subsection (1) of this section.

(6) If the racing secretary does not designate a scratch time, no horse will be allowed to scratch without permission of the board of stewards.

(7) The scratch of a horse out of an engagement is irrevocable.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-010, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 82 through 87, filed 4/21/61.]

**WAC 260-40-020 Entry prerequisite to start.** A horse may not start in any race unless the horse has been properly entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-020, filed 3/8/07, effective 4/8/07; Rules of racing, § 93, filed 4/21/61.]

**WAC 260-40-030 Racing secretary to receive entries and nominations.** (1) The racing secretary is the person authorized to receive entries and nominations for all races, except as provided in WAC 260-40-250(2).

(2) The racing secretary may refuse the entry of any person, or the transfer of any entry for reasons deemed, by the racing secretary, to be in the best interest of racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-030, filed 3/8/07, effective 4/8/07; Rules of racing, § 94, filed 4/21/61.]

**WAC 260-40-040 Making entries and nominations.** (1) Entries and nominations must be made in writing and signed by the owner, trainer or designee. Each association

will provide blank forms on which entries and declarations are made.

(2) Entries may be made by telephone but must be confirmed in writing prior to the closing of entries.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-040, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 95, 96, filed 4/21/61.]

**WAC 260-40-045 Authority to represent owner.** A trainer may represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-045, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-050 Ownership interest required—Entries and nominations.** (1) The majority ownership interest must approve the nomination or entry of any horse into a race.

(2) The person with a majority ownership interest in a horse, or the authorized agent or managing owner, as provided in WAC 260-28-080, must approve the nomination or entry of the horse into a race.

(3) All owners of a horse are individually and collectively responsible for any fees resulting from nominations, entries, or starting fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-050, filed 3/8/07, effective 4/8/07; Rules of racing, § 97, filed 4/21/61.]

**WAC 260-40-055 Jockey to be named at the time of entry.** Prior to the close of entries, an owner, trainer, or authorized agent must furnish the name of the jockey who is to ride in the race. If the jockey named on the entry at the time of the draw does not accept the mount, the stewards may name a replacement jockey.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-055, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-065 Coupled and multiple entries.** (1) Two or more horses owned or leased in whole or part by the same owner must be joined as a coupled entry and single betting interest when entered in the same race. Coupled entries may be uncoupled in stakes races. Common ownership entries may be uncoupled in stakes races with the approval of the board of stewards.

(2) A coupled entry may not exclude a single entry, except in a race where the conditions are specific as to preference.

(3) At the time of making a same ownership entry, the trainer, owner, or authorized agent must select which horse will run in the event the coupled entry is not allowed.

(4) A trainer, owner, or authorized agent may not enter and start more than two horses of the same or separate ownership in a purse race or overnight event, except under the following conditions:

(a) Stake races;

(b) Races in which there are fees required to nominate or enter; and

(c) Allowance/optional claiming or maiden special weight races. In these races a trainer may not enter more than three horses. The third entry may not exclude a single entry,

or be allowed if there are less than seven entries received prior to the entry of the trainer's third horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-065, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-070 Description and identification of horse.** (1) When entering a horse for the first time, the person making the entry must furnish the name, color, sex, and age of the horse, and the name of its sire and dam, as shown on the registration certificate. This description must be repeated on every entry until a description of the horse has been published in the official program, or the list of entries of the association. On every entry after such publication, the horse's name and age will be sufficient.

(2) All horses must have their complete description and a corresponding program number listed in the official racing program.

(3) For racing and programming purposes, horses will be designated as follows:

(a) Male - horse, colt, gelding or ridgling; or

(b) Female - filly or mare.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 99, filed 4/21/61; Subsections (2) and (3) added, filed 3/11/65.]

**WAC 260-40-075 Required to declare weight, medication, and required equipment changes at the time of entry.** (1) The owner, trainer, or authorized agent is responsible to declare any weight allowances, including apprentice jockey allowances, at the time of entry. The weight declared at time of entry cannot be reduced after the posting of entries.

(2) The person who enters the horse is responsible to list permitted medications and equipment changes at the time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-075, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-090 Registration certificate.** No horse may be allowed to start unless a Jockey Club registration certificate, American Quarter Horse Association certificate of registration, or other applicable breed certificate of registration is on file in the office of the racing secretary, except that the stewards may waive this requirement, if the horse is otherwise properly identified and the horse is not entered for a claiming prize.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-090, filed 3/8/07, effective 4/8/07; Order 3, § 260-40-090, filed 5/12/69; Rules of Racing, § 101, filed 4/21/61.]

**WAC 260-40-100 Performance records.** (1) The owner and/or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track must furnish the racing secretary, prior to the entry of such horse in a race in this state, performance records of said horse's races during the past year or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, with the exception of its maiden win, will not be penalized for such winnings in races

run at any other race meet other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse, which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, will not be penalized for such winnings except at Class C tracks. All winnings in races conducted outside the state of Washington and under the authority of a recognized racing jurisdiction will count with regards to a horse's eligibility. For other breeds, all wins, including the maiden wins, will be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian Jockey Club, the American Quarter Horse Association, the Appaloosa Horse Club, or other breed registry recognized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase will be published in the official program of the racing association or posted and announced.

(4) All wins will be considered in eligibility requirements of horses running at Class C racing association meets.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-100, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. 04-09-026, § 260-40-100, filed 4/13/04, effective 5/14/04. Statutory Authority: RCW 67.16.040. 00-07-039, § 260-40-100, filed 3/6/00, effective 4/6/00; 95-18-016, § 260-40-100, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

#### **WAC 260-40-105 Workouts and identification.** (1)

No horse may be permitted to enter or start in a race whose recent workouts have not been properly recorded with the commission.

(2) A horse, which has not started for a period of sixty days or more will be ineligible to race until the horse has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered and the workout must have occurred within thirty days of race day.

(a) A horse that has never started in a recognized race must have two official workouts, one of which must be recorded from the starting gate, and at least one workout must have occurred within thirty days of race day.

(b) The association may impose more stringent workout requirements prior to entries.

(3) The trainer or exercise rider must report the name, distance, and starting point, for each horse scheduled for a workout to the clocker immediately prior to working.

(4) A horse may not be taken onto the track for training or a workout except during the hours designated by the association. When association grounds are open for training, a licensed clocker or commission clocker must be present for any workouts to be considered official. If no clocker is present, the horse may train, but the workout will not be accepted as an official workout.

(5) During a racing association's scheduled race meet and training dates, workouts occurring off the grounds will only be accepted for the purposes of that meet if recorded and submitted to the racing secretary and/or commission by a licensed clocker.

(6) The association must furnish to the public information on all official workouts not listed in the daily racing form prior to the start of the race for which the horse is entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-105, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-110 Horse must be in care of and saddled by a licensed trainer.** (1) No person may start a horse in a race unless the horse is under the care of a trainer licensed at the race meet.

(2) No horse may start in a race unless the licensed trainer saddles the horse. The stewards may approve a substitute trainer who may saddle the horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 104, filed 4/21/61.]

#### **WAC 260-40-120 Identification prerequisite to start.**

(1) No horse may start that has not been properly identified.

(2) All horses must be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner that meets the standards of the National Crime Information Center.

(3) No horse may start unless ownership is first established.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-120, filed 3/8/07, effective 4/8/07; 81-15-034 (Order 81-06), § 260-40-120, filed 7/10/81; Rules of racing, § 105, filed 4/21/61.]

**WAC 260-40-130 Horses must be on the grounds prior to racing.** Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:

(1) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post time of the race the horse is entered for racing, whichever is earlier.

(2) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 106, filed 4/21/61.]

**WAC 260-40-140 Horse must be eligible to start at time of entry.** All horses must be eligible to start at time of entry, as determined by conditions established by the racing secretary's published condition book or conditions for late extra races offered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-140, filed 3/8/07, effective 4/8/07; Rules of racing, § 108, filed 4/21/61.]

#### **WAC 260-40-145 Prohibiting entry of certain horses.**

(1) No horse will be allowed to enter or start if it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission.

(2) No horse may be allowed to enter or start if its owner, lessor(s), or trainers have not been licensed as required by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-145, filed 3/8/07, effective 4/8/07; Order 73.7, § 260-40-145, filed 12/3/73.]

**WAC 260-40-160 Horse owned or managed by disqualified person.** (1) A horse may not be entered or start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

(2) An entry from a disqualified person or for a disqualified horse must be deemed void and any fees paid must be paid to the winner.

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, it is presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse. The presumption may be rebutted upon presenting satisfactory evidence to the board of stewards that the disqualified person has no financial interest in the horse, and is not involved in managing the horse.

(4) If a horse is sold to a disqualified person, the horse's racing engagements will be void effective the date of the sale.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-160, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. 04-07-076, § 260-40-160, filed 3/15/04, effective 4/15/04; Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

**WAC 260-40-180 Horse on veterinarian's list.** A horse on the veterinarian's list may not be entered, or start in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-180, filed 3/8/07, effective 4/8/07; Rules of racing, § 114, filed 4/21/61.]

**WAC 260-40-185 Reporting alteration of sex.** Any alteration in the sex of a horse must be reported by the trainer to the racing secretary within seventy-two hours of the procedure. The racing secretary will note the alteration on the foal registration certificate and report the alteration to the Jockey Club.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-185, filed 3/8/07, effective 4/8/07; Order 4, § 260-40-185, filed 12/24/69.]

**WAC 260-40-240 Entrance, nomination, and start-  
ing fees.** (1) A horse may not start in a race unless all stake or entrance fees required for that race have been paid.

(2) Nomination and entrance fees may not be refunded due to the death of a horse, or a horse's failure to start.

(3) The owner is liable for the nomination and/or entrance fees. The death of a horse or a mistake in its entry does not release the owner from having to pay these fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-240, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 120, 121, 122, filed 4/21/61.]

**WAC 260-40-245 Refunds when stake race declared off.** If a stake race is declared off, all nomination and entry fees paid in connection with that race will be refunded.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-112, § 260-40-245, filed 5/18/07, effective 6/18/07.]

**WAC 260-40-250 Closing time for entries and nominations.** (1) Entries and nominations will be closed at an advertised date and/or time, and no entries or nominations will be accepted thereafter. The racing secretary, however,

with the consent of the stewards, may postpone closing of overnight races.

(2) Entries and nominations close at the office of the racing secretary. Closing for restricted breed association sponsored stake races may close at the office of the association sponsoring the stake race if advertised in the conditions.

(3) When a time for closing is designated, entries and nominations will not be accepted thereafter. In the event that a time is not designated, they may be mailed or faxed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(4) If an entry or nomination is alleged to be invalid, satisfactory proof that it was entered, mailed, or faxed must be presented to the board of stewards within a reasonable time or the complaint will not be allowed.

(5) Entries that have closed must be compiled without delay by the racing secretary and conspicuously posted.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-250, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 123, 124, 125, 126, 127, filed 4/21/61.]

**WAC 260-40-260 Number of entries and starters.** (1) In a stake race, all horses duly nominated may enter.

(2) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair and equal start.

(3) A list of names not to exceed six may be drawn from the overflow entries in any purse race and listed as also eligible to start if originally carded horses are withdrawn. The order in which such horses are drawn will determine their eligibility to start. Their post position will be determined as provided by WAC 260-52-020. Any owner, trainer, or authorized agent having a horse so eligible and who does not wish to start, must file a scratch card not later than the scratch time designated for that day, or seek permission from the stewards to scratch as required by WAC 260-40-010.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-260, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 128, 129, 130, filed 4/21/61.]

**WAC 260-40-275 Postponement from day to day.** The stewards may postpone a race from day to day until an off day intervenes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-112, § 260-40-275, filed 5/18/07, effective 6/18/07.]

**WAC 260-40-280 Impaired horses.** An owner or trainer may not enter or start a horse that:

(1) Is not in physically sound and competitive racing condition.

(2) Has been trachea-tubed.

(3) Has been nerved except as provided in (a) and (b) of this subsection.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the prerace veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

(4) Has impaired eyesight in both eyes.

(5) Has been treated by extracorporeal shock wave therapy or radial pulse wave therapy other than allowed in WAC 260-70-545(4).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-280, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. 90-19-001, § 260-40-280, filed 9/6/90, effective 10/7/90; Rules of racing, § 177, filed 4/21/61.]

### Chapter 260-44 WAC WEIGHTS AND EQUIPMENT

#### WAC

260-44-010	Equipment changes.
260-44-020	Weights for age.
260-44-030	Penalties and allowances.
260-44-050	Weighing out—Equipment included in jockey's weight.
260-44-080	Weighing out—Overweight—Declarations—Posting—Maximum.
260-44-090	Weighing out—Trainer responsible for weight.
260-44-110	Weighing in—Procedure.
260-44-120	Weighing in—Weigh in/weigh out—Tolerances—Penalties.
260-44-150	Horseshoes.

**WAC 260-44-010 Equipment changes.** (1) Permission to change any equipment from that which a horse carried in its previous race must be obtained from the stewards.

(2) Permission for a horse to add or remove blinkers must be approved by the starter before being granted by the stewards.

(3) A trainer may tie down a horse's tongue but only with materials that are not dangerous or likely to cause injury to the horse. An official veterinarian will decide any question about the appropriateness of the material used for a tongue-tie. The stewards may monitor the use of tongue-ties.

(4) Whips will be considered standard equipment in all horse races, unless declared at time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-010, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-010, filed 3/10/06, effective 4/10/06; Order 73.1, § 260-44-010, filed 5/18/73. Rules of racing, § 132, filed 4/21/61.]

**WAC 260-44-020 Weights for age.** The following weights will be carried when weights are not a condition of the race:

SCALE OF WEIGHTS FOR AGE					
Distance	Age	June	July	Aug.	Sept.
Half Mile	2 years	...	...	105	108
	3 years	123	125	126	127
	4 years	130	130	130	130
	5 & up	130	130	130	130
Six Furlongs	2 years	...	...	102	105
	3 years	121	123	125	126
	4 years	130	130	130	130
	5 & up	130	130	130	130
One Mile	2 years	...	...	...	96
	3 years	115	117	119	121
	4 years	126	126	126	126
	5 & up	126	126	126	126

#### SCALE OF WEIGHTS FOR AGE

Distance	Age	June	July	Aug.	Sept.
One Mile & a Quarter	2 years	...	...	...	...
	3 years	113	116	118	120
	4 years	126	126	126	126
	5 & up	126	126	126	126
One & a Half Miles	2 years	...	...	...	...
	3 years	111	114	117	119
	4 years	126	126	126	126
	5 & up	126	126	126	126
Two Miles	3 years	109	112	114	117
	4 years	126	126	125	125
	5 & up	126	126	125	125

(1) In races of intermediate lengths not specified above, the weights for the shorter distance are carried.

(2) In all races, except handicap races and races where the conditions expressly state to the contrary, two-year-old fillies are allowed 3 lbs., and three-year-old and older fillies and mares are allowed 5 lbs., before the 1st of September, and 3 lbs., thereafter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-020, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 296, filed 4/21/61; Subsec. (4) amended, filed 3/11/65.]

**WAC 260-44-030 Penalties and allowances.** (1) A horse may not carry extra weight or be barred from a race for having run second or lower in a previous race.

(2) Penalty weights and weight allowances are not cumulative, unless provided by the conditions of the race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-030, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-030, filed 3/10/06, effective 4/10/06. Rules of racing, §§ 297, 298, 299, filed 4/21/61.]

**WAC 260-44-050 Weighing out—Equipment included in jockey's weight.** (1) The jockey's weight must also include their clothing and boots, and the saddle and its attachments.

(2) The following items may not be included in a jockey's weight: Whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

(3) Whips must have closed poppers, with a maximum length of four inches and minimum width of one and one-quarter inches. Whips must have three rows of one-inch feathers made of leather or other material approved by the stewards. The maximum length of a whip may not exceed thirty-one inches (including popper). The maximum weight of a whip may not exceed one pound.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-050, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 30, filed 4/21/61.]

**WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum.** (1) If a jockey intends to carry overweight, he/she must declare the amount at the time of weighing out.

(2) If a jockey reports an overweight exceeding two pounds, the owner or trainer has the option to replace the jockey without being assessed a double-jock mount fee. Failure on the part of a jockey to comply with this rule will be reported to the stewards by the clerk of scales.

(3) A horse may not carry more than seven pounds overweight, except as provided in subsection (4) of this section.

(4) Horses running at Class C race meets may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except in handicap races or races where the conditions of the race expressly state to the contrary.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-080, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-080, filed 3/10/06, effective 4/10/06; 87-15-019 (Resolution No. 87-02), § 260-44-080, filed 7/8/87; Order 75-1, § 260-44-080, filed 2/18/75. Rules of racing, §§ 304, 305, 306, filed 4/21/61.]

**WAC 260-44-090 Weighing out—Trainer responsible for weight.** The trainer is responsible for the weight carried by his/her horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-090, filed 3/12/07, effective 4/12/07; Rules of racing, § 307, filed 4/21/61.]

**WAC 260-44-110 Weighing in—Procedure.** (1) After a race has been run and after the jockey has pulled up the horse, the jockey must ride promptly to the designated unsaddling area and dismount. The jockey will proceed to the clerk of the scales to be weighed in. If a jockey is prevented from riding his/her mount to the designated unsaddling area because of an accident or of illness to either the jockey or the horse, the jockey may walk or be carried to the scales, or the stewards may excuse the jockey from weighing.

(2) Except by permission of the stewards, every jockey, upon arrival at the designated unsaddling area after a race, must unsaddle the horse he/she has ridden. No person may touch the jockey or the horse except by the horse's bridle, or cover the horse in any manner until the jockey has removed the equipment to be weighed.

(3) No person may assist a jockey in removing from his/her horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(4) Each jockey must carry over to the scales all pieces of equipment with which he/she weighed out.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-110, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-110, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-110, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 309 through 312, filed 4/21/61.]

**WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties.** (1) Each jockey will weigh in at the same weight he/she weighed out. If a jockey is short of the weigh out amount by more than two pounds, his/her mount will be disqualified. If a weight discrepancy arises after a race has been declared official, a change in the order of finish will not affect the parimutuel payoffs.

(2) If any jockey weighs in at more than two pounds over his/her proper or declared weight, the clerk of scales will report the overweight to the stewards for possible disciplinary action. In considering discipline the stewards will consider any excess weight caused by rain or mud.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-120, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-120, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-120, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 313, 314, filed 4/21/61.]

**WAC 260-44-150 Horseshoes.** (1) A horse starting in a race must be fully shod with racing plates.

(2) During off-track conditions the trainer is required to report any additional traction devices to the board of stewards or designee.

(3) For turf racing, horses must be shod with racing plates approved by the association.

(4) Toe grabs with a height greater than four millimeters, worn on the front shoes of thoroughbred horses while racing or training on any surface or conditions are prohibited.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-01-053, § 260-44-150, filed 12/13/07, effective 1/13/08; 07-07-035, § 260-44-150, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-150, filed 3/10/06, effective 4/10/06.]

## Chapter 260-48 WAC MUTUELS

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-48-540 Advance wagering. [Statutory Authority: RCW 67.16.-040. 96-10-014, § 260-48-540, filed 4/19/96, effective 6/11/96.] Repealed by 07-07-011, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

## Chapter 260-70 WAC EQUINE MEDICATION PROGRAM

### WAC

260-70-500	Definitions applicable to chapter 260-70 WAC.
260-70-510	Equine health and safety.
260-70-540	Veterinarians' reports.
260-70-545	Prohibited practices.
260-70-550	Medication labeling.
260-70-560	Treatment restrictions.
260-70-570	All horses are subject to inspection.
260-70-580	Official veterinarian's list.
260-70-590	Reporting to the test barn.
260-70-610	Storage and shipment of split samples.
260-70-640	Permitted medication.
260-70-650	Furosemide.
260-70-660	Furosemide and bleeder lists.
260-70-675	Bicarbonate testing.
260-70-680	Uniform classification guidelines.
260-70-720	Posterior digital neurectomy.
260-70-730	Postmortem examination.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-70-520 Trainer responsibility. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-520, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-520, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-520, filed 4/17/96, effective 5/18/96.] Repealed by 07-03-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020.

260-70-530 Veterinarians under authority of official veterinarian. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-530, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-530, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-530, filed 4/17/96, effective 5/18/96.] Repealed by 07-07-036, filed 3/12/07, effective 4/12/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-70-500 Definitions applicable to chapter 260-70 WAC.** (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or

screen the presence of prohibited drugs or prevent testing procedures from detecting a prohibited drug.

(2) "Post time" means the time set for the arrival of the horses at the starting point in a race as specified in writing and posted by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-500, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-500, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-500, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-510 Equine health and safety.** The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of horses under the jurisdiction of the commission, and to safeguard the interests of the public and the participants in racing. The commission will hold an annual public meeting, to review veterinarian practices, equine health and medication. This meeting will include:

- (1) An annual report from an official veterinarian.
- (2) Presentation of data regarding equine medication and treatment, including a review of the commission's quantitative medication levels and any recommendations for modifications.
- (3) Public comment regarding equine health and safety, medication and veterinarian practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-510, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-510, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-510, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-540 Veterinarians' reports.** (1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission must, on a form approved by the commission, report all treatment to an official veterinarian. The report must include the following:

- (a) The name of the horse treated;
- (b) The name of any medication, drug, or substance administered or prescribed;
- (c) The procedure administered;
- (d) The name of the trainer;
- (e) The date and time of treatment; and
- (f) Any other information required by the official veterinarian.

(2) The practicing veterinarian must sign the report and file the report with an official veterinarian no later than post time of the race for which the horse is entered. If the horse is not entered to run in a race, the report must be filed with an official veterinarian within forty-eight hours of treatment.

(3) A timely and accurate treatment report may be considered by the stewards or the commission as a mitigating factor when determining the penalty for violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-540, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-540, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-540, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-540, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-545 Prohibited practices.** The following are prohibited practices:

- (1) The possession or use of any drug, substance, or medication if the use may endanger the health or welfare of

the horse or endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal, or any substance forbidden by an official veterinarian.

(3) The possession and/or use of blood doping agents, including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure
- (4) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) Any treated horse may not race for a minimum of ten days following treatment;

(b) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines may only be used by veterinarians licensed by the commission;

(c) The practicing veterinarian has filed a report with an official veterinarian notifying the commission that an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than twenty-four hours after treatment.

(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered and without the prior approval of an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-545, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-545, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-545, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-094, § 260-70-545, filed 2/18/04, effective 3/20/04.]

**WAC 260-70-550 Medication labeling.** (1) No person, excluding licensed veterinarians, may possess any drug, medication, chemical, foreign substance or other substance unless the product is labeled as required by this rule.

(2) Only medications and drugs prescribed or dispensed by a veterinarian licensed to practice veterinary medicine in this jurisdiction may be on the grounds of a racing association during its licensed race meet or training periods. All medications must have a prescription label attached with the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each horse (patient) the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the trainer or owner to whom the product was dispensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-550, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-550, filed



4/10/06, effective 5/11/06; 05-07-067, § 260-70-550, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-550, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-560 Treatment restrictions.** (1) Except as otherwise provided by this section, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Persons not licensed as veterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, and the substances do not interfere with post race testing:

(a) A recognized nutritional supplement or other substance, except that any such supplements or substances that have been disapproved by an official veterinarian may not be administered;

(b) A substance given at the direction of or by a prescription issued by a licensed veterinarian; or

(c) A nonprescription medication or substance.

(3) No person, other than a licensed veterinarian, may possess a hypodermic needle, syringe or device used for intravenous or intramuscular injections on the grounds, unless approved by the stewards. On all grounds under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the department of health.

(4) A person who has a medical condition requiring the use of a hypodermic needle, syringe or other device used for intravenous or intramuscular injections must possess a valid prescription issued by a physician licensed to practice medicine and prescribe medication. Such a person must control the storage and use of these devices and may be held accountable for any unauthorized use. Any person possessing a hypodermic needle or syringe without a valid prescription may be removed from the grounds.

(5) Veterinarians may not treat or administer medication or drugs to any horse on a race day before the post time for the race the horse is entered to run, except for the administration of furosemide under the guidelines set forth in WAC 260-70-650, unless first approved by an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-560, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-560, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-560, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-560, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-570 All horses are subject to inspection.** All horses at locations under the jurisdiction of the commission are subject to inspections at the discretion of the stewards or an official veterinarian.

(1) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by an official veterinarian.

(2) The assessment of a horse's racing condition will be based on the recommendations of the American Association of Equine Practitioners and may include:

- (a) Proper identification of the horse;
- (b) Observation of each horse in motion;

- (c) Manual palpation when indicated;
- (d) Close observation in the paddock and saddling area, during the parade to post and at the starting gate; and
- (e) Any other inspection deemed necessary by an official veterinarian.

(3) An official veterinarian will maintain a continuing health and racing soundness record of each horse inspected.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-570, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-570, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-570, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-570, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-580 Official veterinarian's list.** (1) An official veterinarian will maintain a list of all horses determined by an official veterinarian to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when an official veterinarian determines the horse is capable of competing in a race.

(a) Horses placed on the veterinarian's list will remain on the list for a minimum of ten days. (For purposes of counting days, the first day is the day the horse is placed on the veterinarian's list.)

(b) After the tenth day, an owner or trainer may request a horse be removed from the veterinarian's list. Horses that must work to be removed from the veterinary list due to soreness, lameness, or certain injuries will be allowed to work no sooner than the eleventh day after being placed on the list.

(i) Works should be scheduled with an official veterinarian twenty-four hours in advance.

(ii) Horses must work a minimum distance to be determined by an official veterinarian in a time comparable for the track condition that day.

(iii) A blood test will be taken by an official veterinarian following the workout and medications levels may not exceed permitted post-race levels.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-580, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-580, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-580, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-580, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-590 Reporting to the test barn.** (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission must be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, an official veterinarian, or the commission at any time on any horse on association grounds.

(3) A horse selected for testing must be taken directly to the test barn, unless otherwise directed by the stewards or an official veterinarian.

(4) Only persons currently licensed by the commission may enter the test barn on a race day. Licensees must have a valid reason for being in the test barn, and may be required to display their license. When accompanying a horse to the test barn no more than three licensees will be permitted to enter the test barn.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-590, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-590, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-590, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-610 Storage and shipment of split samples.** (1) Split samples obtained in accordance with WAC 260-70-600 (2)(b) and (c) will be secured and made available for further testing in accordance with the following procedures:

(a) A split sample must be secured in the test barn in the same manner as the primary sample acquired for shipment to a primary laboratory. The split samples will be stored until the primary samples are packed and secured for shipment to the primary laboratory. Split samples will then be transferred to a freezer at a secure location approved by the executive secretary.

(b) A freezer used to store split samples will be closed and locked at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples may only be opened to deposit or remove split samples, for inventory, or for checking the condition of samples.

(d) An official veterinarian will maintain a split sample log that must be used each time a split sample freezer is opened. The log will record the following:

- (i) The name of the person opening the split sample freezer;
- (ii) The purpose for opening the freezer;
- (iii) The split samples deposited or removed from the freezer;
- (iv) The date and time the freezer was opened;
- (v) The time the freezer was closed; and
- (vi) A notation verifying that the lock was secured after the freezer was closed.

(e) If at any time it is discovered that the split sample freezer failed or samples were discovered not in a frozen condition, an official veterinarian must document this discovery on the split sample freezer log and immediately report this to the executive secretary.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than forty-eight hours after the trainer of the horse receives written notice of the findings of the primary laboratory. The split sample must be shipped within seventy-two hours of the delivery of the request for testing to the stewards.

(3) The owner or trainer requesting testing of a split sample is responsible for the cost of shipping and testing. A split sample must be removed from the split sample freezer, and packaged for shipment by an official veterinarian or designee in the presence of the owner, trainer, or designee. Failure of the owner, trainer or designee to appear at the time and place designated by an official veterinarian to package the split sample for shipping will constitute a waiver of all rights to split sample testing. Prior to shipment, the split sample labo-

ratory's willingness to provide the testing requested and to send results to both the person requesting the testing and the commission, must be confirmed by an official veterinarian. Arrangements for payment satisfactory to the split sample laboratory must also be confirmed by the owner or trainer. A laboratory for the testing of a split sample must be approved by the commission. The commission will maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission must provide a split sample chain of custody verification form. The split sample chain of custody verification form must be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative will keep the original and provide a copy to the owner, trainer or designee.

The split sample chain of custody verification form must include the following:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;
- (e) Verification of retrieval of the split sample from the freezer;
- (f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
- (g) Verification of the address of the split sample laboratory on the split sample package;
- (h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
- (i) The date and time custody of the sample is transferred to the carrier.

(j) The split sample chain of custody verification form must be signed by both the owner's representative and an official veterinarian or designee to confirm the packaging of the split sample.

(5) The exterior of the package must be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package. The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(6) The package containing the split sample will be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-610, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-610, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-610, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-640 Permitted medication.** Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 5 micrograms per milliliter;
- (ii) Flunixin - 20 nanograms per milliliter;
- (iii) Ketoprofen - 10 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-640, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-640, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-650 Furosemide.** (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of an official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide will be permitted only after an official veterinarian has placed the horse on the furosemide or bleeder list.

(2) The use of furosemide is permitted under the following circumstances:

(a) Furosemide must be administered on the grounds of the association, by a single intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered must not exceed 500 mg nor be less than 150 mg.

(c) The trainer of the treated horse must deliver to an official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The name of the horse, the horse's tattoo number, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

(e) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(i) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity must not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma will be performed;

(ii) Quantitation of furosemide in serum or plasma must be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-650, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-650, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-650, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-660 Furosemide and bleeder lists.** The official veterinarians will maintain a furosemide list and a bleeder list of all horses eligible to race with furosemide. The list is a statewide list that applies to all licensed associations.

(1) Furosemide list.

(a) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to an official veterinarian prior to the close of entries to ensure public notification.

(b) If an official veterinarian so orders, a horse placed on the furosemide list will be placed in detention in its regularly assigned stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. Once placed in detention, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled for the race, except that the stewards may permit a horse to leave detention to engage in exercise blowouts or warm-up heats.

(c) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification will be issued to the owner of the horse or the owner's designee upon request.

(d) Every horse eligible to race with furosemide, regardless of age, will be placed on the furosemide list.

(e) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on commissioned-approved forms and must be submitted to an official veterinarian no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty calendar days unless determined to be detrimental to the welfare of the horse, in consultation with

an official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five day period, the horse may not be placed back on the list for a period of ninety calendar days.

(2) Bleeder list.

(a) An official veterinarian will maintain a bleeder list of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by an official veterinarian.

(b) Following an incident of bleeding that is confirmed to be as a result of exercise induced pulmonary hemorrhage, the horse, regardless of age, must be placed on the bleeder list and is ineligible to race for the following time periods:

(i) First incident - fourteen days;

(ii) Second incident within three hundred and sixty-five day period - thirty days;

(iii) Third incident within three hundred and sixty-five day period - one hundred and eighty days;

(iv) Fourth incident within three hundred and sixty-five day period - barred from racing for life.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the ineligibility period.

(d) The voluntary administration of furosemide without an external bleeding incident will not subject the horse to the initial period of ineligibility as defined by this policy.

(e) Every horse that is confirmed a bleeder will have a notation affixed to the horse's certificate of registration.

(f) A horse may be removed from the bleeder list only upon the direction of an official veterinarian.

(3) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-660, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-660, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-660, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-675 Bicarbonate testing.** No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse may be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

An official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of test samples from any horses either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples must not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value is a violation of this rule. Penalties will be assessed as a Class 4 violation as provided in WAC 260-84-110(6).

Split samples will be taken from all horses entered to run in a race when bicarbonate testing is to be done. When split

samples are taken, they will be shipped as soon as practical to the commission-approved laboratories for total carbon dioxide split sample testing. The commission is responsible for the cost of shipping and testing of split samples taken under this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-675, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-675, filed 4/10/06, effective 5/11/06; 05-17-123, § 260-70-675, filed 8/18/05, effective 9/18/05.]

**WAC 260-70-680 Uniform classification guidelines.**

This section classifies each drug/medication/foreign substance, and where appropriate and/or available, its trade name. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylentetrazol.

Drug	Trade Name
Alfentanil	Alfenta
Amphetamine	
Anileridine	Leritine
Apomorphine	
Benzylpiperazine (BZP)	
Carfentanil	
Cocaine	
Dextromoramide	Palfium, Narcolo
Diamorphine	
Endorphins	
Enkephalins	
Ethylmorphine	Dionin
Etorphine HCl	M99
Fentanyl	Sublimaze
Hydromorphone	Dilaudid
Hydroxyamphetamine	Paradrine
Levorphanol	Levo-Dremoran
Lofentanil	
Mazindol	Sanorex
Meperidine	Demerol
Mephentermine	
Metaraminol	Aramine
Methadone	Dolophine
Methamphetamine	Desoxyn
Methaqualone	Quaalude
Methylphenidate	Ritalin
Metopon (methyldihydromorphine)	
Morphine	
Nikethamide	Coramine
Oxycodone	Percodan
Oxymorphone	Numorphan
Pemoline	Cylert

Drug	Trade Name
Pentylenetetrazol	Metrazol, Nioric
Phenazocine	Narphen
Phencyclidine (PCP)	Sernylan
Phendimetrazine	Bontril, etc.
Phenmetrazine	Preludin
Picrotoxin	
Piritramide	
Remifentanil	Ultiva
Strychnine	
Sufentanil	Sufenta

## (2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

Drug	Trade Name
Acecarbromal	
Acetophenazine	Tindal
Adinazolam	
Alcuronium	Alloferin
Alphaprodine	Nisentil
Alpidem	Anaxyl
Alprazolam	Xanax
Althesin	Saffan
Amisulpride	Solian
Amitriptyline	Elavil, Amitril, Endep
Amobarbital	Amytal
Amoxapine	Asendin
Amperozide	
Anilopam	Anisine
Aprobarbital	Alurate
Azacylonol	Frenque
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)
Barbital	Veronal
Barbiturates	
Bemegride	Megimide, Mikedimide
Benperidol	
Bentazepam	Tiadipona
Benzactizine	Deprol, Bronchodiletten
Benzocetamine	
Benzodiazepines	
Benzphetamine	Didrex
Benztropine	Cogentin
Biriperone	
Bromazepam	Lexotan, Lectopam
Bromisovalum	Diffucord, etc.
Bromocriptine	Parlodel
Bromperidol	Bromidol
Brotizolam	Brotocol
Bupivacaine	Marcaine
Buprenorphine	Temgesic
Buspirone	Buspar
Buspropion	Wellbutrin
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.
Butalbital (Talbutal)	Fiorinal

Drug	Trade Name
Butanilicaine	Hostacain
Butaperazine	Repoise
Butoctamide	Listomin
Caffeine	
Camazepam	Paxor
Captodiame	Covatine
Carbidopa + levodopa	Sinemet
Carbromol	Mifudorm
Carphenazine	Proketazine
Carpipramine	Prazinil
Chloralose (Alpha-Chloralose)	
Chloral betaine	Beta-Chlor
Chloral hydrate	Nactec, Oridrate, etc.
Chloraldehyde (chloral)	
Chlordiazepoxide	Librium
Chlormezanone	Trancopal
Chloroform	
Chlorhexidol	
Chloroprocaine	Nesacaine
Chlorproethazine	Newiplege
Chlorpromazine	Thorazine, Largactil
Chlorprothixene	Taractan
Citalopram	Celex
Clobazam	Urbanyl
Clocapramine	
Clomethiazole	
Clomipramine	Anafranil
Clonazepam	Klonopin
Clorazepate	Tranxene
Clothiapine	Entermin
Clotiazepam	Trecalmo, Rize
Cloxazolam	Enadel, Sepazon, Tolestán
Clozapine	Clozaril, Leponex
Codeine	
Conorphone	
Corticaine	Ultracain
Crotetamide	
Cyamemazine	Tercian
Cyclobarbital	Phanodorm
Decamethonium	Syncurine
Demoxepam	
Desipramine	Norpromine, Pertofrane
Dezocine	Dalgan®
Diazepam	Valium
Dichloralphenazone	Febenol, Isocom
Diethylpropion	Tepanil, etc.
Diethylthiambutene	Themalon
Dihydrocodeine	Parcodin
Dilorazepam	Briantum
Diprenorphine	M50/50
Dixyrazine	Esucos
Dopamine	Intropin
Doxapram	Dopram
Doxefazepam	Doxans
Doxepin	Adapin, Sinequan
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)
Enciprazine	

Drug	Trade Name
Ephedrine	
Epinephrine	
Erythropoietin (EPO)	Epogen, Procrit, etc.
Estazolam	Domnamid, Eurodin, Nuctalon
Ethamivan	
Ethchlorvynol	Placidyl
Ethinamate	Valmid
Ethopropazine	Parsidol
Ethylisobutrazine	Diquel
Etidocaine	Duranest
Etifoxin	Stresam
Etizolam	Depas, Pasaden
Etodroxizine	Indunox
Etomidate	
Fenarbamate	Tymium
Fenfluramine	Pondimin
Fluanisone	Sedalande
Fludiazepam	Erispam
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm
Fluopromazine	Psyquil, Siquil
Fluoresone	Caducid
Fluoxetine	Prozac
Flupenthixol	Depixol, Fluanxol
Fluphenazine	Prolixin, Permitil, Anatensol
Flurazepam	Dalmane
Fluspirilene	Imap, Redeptin
Flutoprazepam	Restas
Fluvoxamine	Dumirox, Faverin, etc.
Gallamine	Flaxedil
Gepirone	
Glutethimide	Doriden
Halazepam	Paxipam
Haloperidol	Haldol
Haloxazolam	Somelin
Hemoglobin glutamers	Oxyglobin, Hemopure
Hexafluorenum	Myalexen
Hexobarbital	Evipal
Homophenazine	Pelvichthol
Hydrocodone (dihydrocodeinone)	Hycodan
Hydroxyzine	Atarax
Ibomal	Noctal
Imipramine	Imavate, Presamine, Tofranil
Isapirone	
Isocarboxazid	Marplan
Isomethadone	
Isoproterenol	Isoprel
Ketamine	Ketalar, Ketaset, Vetalar
Ketazolam	Anxon, Laftram, Solatran, Loftran
Lenperone	Elanone-V
Levomethorphan	
Lidocaine	Xylocaine
Lithium	Lithizine, Duralith, etc.
Lobeline	
Loflazepate, Ethyl	Victan

Drug	Trade Name
Loprazolam	Dormonort, Havlane
Lorazepam	Ativan
Lormetazepam	Noctamid
Loxapine	Laxitane
Maprotiline	Ludiomil
Mebutamate	Axiten, Dormate, Capla
Meclofenoxate	Lucidril, etc.
Medazepam	Nobrium, etc.
Melperone	Eunerpan
Meparfynol	Oblivon
Mepazine	Pacatal
Mephenoxalone	Control, etc.
Mephenytoin	Mesantoin
Mephobarbital (Methylphenobarbital)	Mebaral
Mepivacaine	Carbocaine
Meprobamate	Equanil, Miltown
Mesoridazine	Serentil
Metaclazepam	Talis
Metazocine	
Metharbital	Gemonil
Methohexital	Brevital
Methotrimeprazine	Levoprome, Neurocil, etc.
Methypylon	Noludar
Metocurine	Metubine
Metomidate	Hypnodil
Mexazolam	Melex
Midazolam	Versed
Mirtazepine	Remeron
Modafinil	Provigil
Molindone	Moban
Moperone	Luvatren
Mosaprimine	
Nalbuphine	Nubain
Nalorphine	Nalline, Lethidrone
Nefazodone	Serzone
Nimetazepam	Erimin
Nitrazepam	Mogadon
Nordiazepam	Calmday, Nordaz, etc.
Norepinephrine	
Nortriptyline	Aventyl, Pamelor
Olanzapine	Zyprexa
Oxazepam	Serax
Oxazolam	Serenal
Oxyperitine	Forit, Integrin
Pancuronium	Pavulon
Paraldehyde	Paral
Paroxetine	Paxil, Seroxat
Penfluridol	Cyperon
Pentobarbital	Nembutal
Perazine	Taxilan
Periciazine	Alodept, etc.
Perlazine	Hypnodin
Perphenazine	Trilafon
Phenaglycodol	Acalo, Alcamid, etc.
Phenelzine	Nardelzine, Nardil
Phenobarbital	Luminal
Phentermine	Iomamin
Piminodine	Alvodine, Cimadon

Drug	Trade Name
Pimozide	Orap
Pinazepam	Domar
Pipamperone	Dipiperon
Pipequaline	
Piperacetazine	Psymod, Quide
Piperocaine	Metycaine
Pipotiazine	Lonseren, Piportil
Pipradrol	Dataril, Gerondyl, etc.
Piquindone	
Prazepam	Verstran, Centrax
Prilocaine	Citanest
Prochlorperazine	Darbazine, Compazine
Propanidid	
Propiomazine	Largon
Propionylpromazine	Tranvet
Propiram	
Propofol	Diprivan, Disoprivan
Propoxycaine	Ravocaine
Prothipendyl	Dominal
Protriptyline	Concordin, Triptil
Proxibarbital	Axeen, Centralgol
Pyrithyldione	Hybersulfan, Sonodor
Quazipam	Doral
Quetiapine	Seroquel
Racemethorphan	
Racemorphan	
Raclopride	
Remoxipride	Roxiam
Reserpine	Serpasil
Rilmazafone	
Risperidone	
Ritanserlin	
Rivastigmine	Exelon
Romifidine	Sedivet
Ropivacaine	Naropin
Secobarbital (Quinalbarbitone)	Seconal
Selegiline	Eldepryl, Jumex
Sertraline	Lustral, Zoloft
Snake Venoms	
Spiclomazine	
Spiperone	
Succinylcholine	Sucostrin, Quelin, etc.
Sulfondiethylmethane	
Sulfonmethane	
Sulforidazine	Inofal
Sulpiride	Aiglonyl, Sulpitil
Sultopride	Barnetil
Talbutal	Lotusate
Tandospirone	
Temazepam	Restoril
Tetrabenazine	Nitoman
Tetracaine	Pontocaine
Tetrazepam	Musaril, Myolastin
Thebaine	
Thialbarbital	Kemithal
Thiamylal	Surital
Thiethylperazine	Torecan
Thiopental	Pentothal
Thiopropazate	Dartal
Thiopropazine	Majeptil

Drug	Trade Name
Thioridazine	Mellaril
Thiothixene	Navane
Tiapride	Italprid, Luxoben, etc.
Tiletamine	Component of Telazol
Timiperone	Tolopelon
Tofisopam	Grandaxain, Seriel
Topirimate	Topamax
Tramadol	Ultram
Tranlycypromine	Parnate
Trazodone	Desyrel
Triazolam	Halcion
Tribromethanol	
Tricaine methanesulfonate	Finquel
Trichloroethanol	
Trichloroethylene	Trilene, Trimar
Triclofos	Triclos
Trifluomeprazine	Nortran
Trifluoperazine	Stelazine
Trifluoperidol	Triperidol
Triflupromazine	Vetame, Vesprin
Trimipramine	Surmontil
Tubocurarine (Curare)	Metubin
Tybamate	Benvil, Nospan, etc.
Urethane	
Valnoctamide	Nirvanyl
Venlafaxine	Effexor
Veralipride	Accional, Veralipril
Vercuronium	Norcuron
Viloxazine	Catatrol, Vivalan, etc.
Vinbarbital	Delvinol
Vinylbital	Optanox, Speda
Yohimbine	
Zolazepam	
Zolpidem	Ambien, Stilnox
Zopiclone	Imovan
Zotepine	Lodopin
Zuclopenthixol	Ciatyl, Cesordinol

## (3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

Drug	Trade Name
Acebutolol	Sectral
Acepromazine	Atrovet, Notensil, PromAce®
Albuterol (Salbutamol)	Proventil, Ventolin
Alprenolol	
Ambenonium	Mytelase, Myeuran
Aminophylline	Aminophyllin, etc.
Amlodipine	Norvasc
Amyl nitrite	
Arecoline	
Atenolol	Tenormin
Atropine	
Betaxolol	Kerlone
Bethanidine	Esbatal
Biperiden	Akineton

Drug	Trade Name
Bisoprolol	Zebeta, Bisobloc, etc.
Bitolterol	Effectin
Bretylum	Bretylol
Brimonidine	Alphagan
Bromfenac	Duract
Bromodiphenhydramine	
Bumetanide	Bumex
Butorphanol	Stadol, Torbugesic
Candesartan	Atacand
Captopril	Capolen
Carazolol	Carbacel, Conducton
Carbachol	Lentin, Doryl
Carbamezapine	Tegretol
Carbinoxamine	Clistin
Carteolol	Cartrol
Carvedilol	Coreg
Cimeterol	
Clenbuterol	Ventipulmin
Clonidine	Catapres
Cyclandelate	Cyclospasmol
Cycrimine	Pagitane
Detomidine	Dormosedan
Dextropropoxyphene	Darvon
Diazoxide	Proglycem
Dimeflin	
Diphenhydramine	Benadryl
Dipyridamole	Persantine
Dobutamine	Dobutrex
Doxylamine	Decapryn
Dyphylline	
Edrophonium	Tensilon
Enalapril (metabolite enalaprilat)	Vasotec
Erthrityl tetranitrate	Cardilate
Esmolol	Brevibloc
Etamiphylline	
Ethacrynic acid	Edecrin
Ethylnorepinephrine	Bronkephrine
Fenoldopam	Corlopam
Fenoterol	Berotec
Fenspiride	Respiride, Respan, etc.
Flupirtine	Katadolone
Formoterol	Altram
Gabapentin	Neurontin
Glycopyrrolate	Robinul
Guanadrel	Hylorel
Guanethidine	Ismelin
Guanabenz	Wytensin
Heptaminol	Corofundol
Homatropine	Homapin
Hydralazine	Apresoline
Ipratropium	
Irbesarten	Avapro
Isoetharine	Bronkosol
Isosorbide dinitrate	Isordil
Ketorolac	Toradol
Labetalol	Normodyne
Losartan	Hyzaar
Mabuterol	
Mecamylamine	Inversine
Medetomidine	Domitor

Drug	Trade Name
Metaproterenol	Alupent, Metaprel
Methacholine	
Methixene	Trest
Methoxamine	Vasoxyl
Methoxyphenamine	Orthoxide
Methylatropine	
Methyldopa	Aldomet
Metolazone	
Metoprolol	Lopressor
Mibefradil	Posicor
Midodrine	Pro-Amiline
Minoxidil	Loniten
Moexipril (metabolite moexiprilat)	Uniretic
Muscarine	
Nadol	Corgard
Naratriptan	Amerge
Nefopam	
Neostigmine	Prostigmine
Nitroglycerin	
Oxprenolol	Trasicor
Papaverine	Pavagen, etc.
Paramethadione	Paradione
Pargyline	Eutonyl
Penbutolol	Levatol
Pentaerythritol tetranitrate	Duotrate
Pentazocine	Talwin
Phenoxybenzamine	Dibenzylamine
Phentolamine	Regitine
Phenylephrine	Isophrin, Neo-Syneph-rine
Phenylpropanolamine	Propradrine
Physostigmine	Eserine
Pindolol	Viskin
Pirbuterol	Maxair
Piretanide	Arelix, Tauliz
Prazosin	Minipress
Primidone	Mysoline
Procaine	
Procaterol	Pro Air
Procyclidine	Kemadrin
Promazine	Sparine
Promethazine	Phenergan
Propentophylline	Karsivan
Propranolol	Inderal
Protokylol	Ventaire
Pseudoephedrine	Cenafed, Novafed
Pyridostigmine	Mestinon, Regonol
Pyrilamine	Neoantergan, Equihist
Ractopamine	Raylean
Ritodrine	Yutopar
Rizatriptan	Maxalt
Salmeterol	
Scopolamine (Hyoscine)	Triptone
Sibutramine	Meridia
Sotalol	Betapace, Sotacor
Sumatriptan	Imitrex
Telmisartan	Micardis
Terbutaline	Brethine, Bricanyl
Testolactone	Teslac



Drug	Trade Name
Theophylline	Aqualphyllin, etc.
Timolol	Blocardrin
Tolazoline	Priscoline
Torsemide (Torasemide)	Demadex
Trandolapril (and metabolite, Trandolaprilat)	Tarka
Trihexylphenidyl	Artane
Trimethadione	Tridione
Trimethaphan	Arfonad
Tripelennamine	PBZ
Valsartan	Diovan
Xylazine	Rompun, Bay Va 1470
Zolmitriptan	Zomig
Zonisamide	Zonegran

## (4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

Drug	Trade Name
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.
Acetanilid	
Acetazolamide	Diamox, Vetamox
Acetophenetidin (Phenacetin)	
Acetylsalicylic acid (Aspirin)	
Alclofenac	
Aclomethasone	Aclovate
Aldosterone	Aldocortin, Electro cortin
Ambroxol	Ambril, etc.
Amcinonide	Cyclocort
Aminocaproic acid	Amicar, Caprocid
Aminodarone	
2-Aminoheptaine	Tuamine
Aminopyrine	
Amisometradine	Rolictron
Amlopidine	Norvasc, Ammivin
Amrinone	
Anisotropine	Valpin
Antipyrine	
Apazone (Azapropazone)	Rheumox
Aprindine	
Baclofen	Lioresal
Beclomethasone	Propaderm
Benazepril	Lotrel
Bendroflumethiazide	Naturetin
Benoxaprofen	
Benoxinate	Dorsacaine
Benzocaine	
Benzthiazide	
Bepidil	Bepadin
Betamethasone	Betasone, etc.
Bethanechol	Urecholine, Duvoid
Boldenone	Equipoise
Bromhexine	Oletor, etc.
Brompheniramine	Dimetane, Disomer
Budesonide	Pulmacort, Rhinocort
Butacaine	Butyn
Butamben (butyl aminobenzoate)	Butesin

Drug	Trade Name
Butoxycaine	Stadacain
Calusterone	Methosorb
Camphor	
Carisoprodol	Relo, Soma
Celecoxib	Celebrex
Chlormerodrin	Neohydrin
Chlorophenesin	Maolate
Chloroquine	Avloclor
Chlorothiazide	Diuril
Chlorpheniramine	Chlortriemton, etc.
Chlorthalidone	Hydroton
Chlorzoxazone	Paraflex
Cinchocaine	Nupercaine
Clibucaine	Batrax
Clidinium	Quarezan, Clindex, etc.
Clobetasol	Temovate
Clocortolone	Cloderm
Clofenamide	
Clormecaine	Placacid
Colchicine	
Cortisone	Cortone, etc.
Cyclizine	Merazine
Cyclobenzaprine	Flexeril
Cyclomethylcaine	Surfacaine
Cyclothiazide	Anhydron, Renazide
Cyproheptadine	Periactin
Danazol	Danocrine
Dantrolene	Dantrium
Dembroxol (Dembrexine)	Sputolysin
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin
Desonite	Des Owen
Desoximetasone	Topicort
Dexamethasone	Azium, etc.
Dextromethorphan	
Dibucaine	Nupercainal, Cinchocaine
Dichlorphenamide	Daramide
Diclofenac	Voltaren, Voltarol
Diflorasone	Florone, Maxiflor
Diflucortolone	Flu-Cortinest, etc.
Diflunisal	
Digitoxin	Crystodigin
Digoxin	Lanoxin
Dihydroergotamine	
Diltiazem	Cardizem
Dimethisoquin	Quotane
Diphenoxylate	Difenoxin, Lomotil
Dipyrone	Novin, Methampyrone
Disopyramide	Norpace
Dromostanolone	Drolban
Dyclonine	Dyclone
Eltenc	
Ergonovine	Ergotrate
Ergotamine	Gynergen, Cafergot, etc.
Etanercept	Enbrel
Ethoheptazine	Zactane
Ethosuximide	Zarontin
Ethotoin	Peganone
Ethoxzolamide	Cardrase, Ethamide

Drug	Trade Name
Ethylaminobenzoate (Benzocaine)	Semets, etc.
Ethylestrenol	Maxibolin, Organon
Etodolac	Lodine
Felodipine	Plendil
Fenbufen	Cincopal
Fenclozic acid	Myalex
Fenoprofen	Nalfon
Fexofenadine	Allegra
Flecainide	Idalon
Floctafenine	Idalon, Idarac
Flucinolone	Synalar, etc.
Fludrocortisone	Alforone, etc.
Flufenamic acid	
Flumethasone	Flucort, etc.
Flumethiazide	Ademol
Flunarizine	Sibelium
Flunisolide	Bronilide, etc.
Flunixin	Banamine
Fluocinolone	Synalar
Fluocinonide	Licon, Lidex
Fluoroprednisolone	Predef-2X
Fluoxymesterone	Halotestin
Fluprednisolone	Alphadrol
Flurandrenolide	Cordran
Flurbiprofen	Froben
Fluticasone	Flixonase, Flutide
Guaifenesin (glycerol guaiacolate)	Gecolate
Halcinonide	Halog
Halobetasol	Ultravate
Hexocyclium	Tral
Hexylcaine	Cyclaine
Hydrochlorthiazide	Hydrodiuril
Hydrocortisone (Cortisol)	Cortef, etc.
Hydroflumethiazide	Saluron
Ibuprofen	Motrin, Advil, Nurpin, etc.
Indomethacin	Indocin
Infliximab	Remicade
Isoflupredone	Predef
Isometheptene	Octin, Octon
Isopropamide	Darbid
Isoxicam	Maxicam
Isoxsuprine	Vasodilan
Isradipine	DynaCirc
Ketoprofen	Orudis
Letosteine	Viscotiol, Visiotol
Loperamide	Imodium
Loratidine	Claritin
Meclizine	Antivert, Bonine
Meclofenamic acid	Arquel
Medrysone	Medriusar, etc.
Mefenamic acid	Ponstel
Meloxicam	Mobic
Mepenzolate	Cantil
Mephenesin	Tolserol
Meralluride	Mercuhydrin
Merbaphen	Novasural
Mercaptomerin	Thiomerin

Drug	Trade Name
Mercumalilin	Cumertilin
Mersalyl	Salyrgran
Metaxalone	Skelaxin
Methandriol	Probolic
Methandrostenolone	Dianabol
Methantheline	Banthine
Methapyrilene	Histadyl, etc.
Methazolamide	Naptazane
Methdilazine	Tacaryl
Methocarbamol	Robaxin
Methotrexate	Folex, Nexate, etc.
Methscopolamine	Pamine
Methsuximide	Celontin
Methylchlorthiazide	Enduron
Methandrostenolone	Dianabol
Methylergonovine	Methergine
Methylprednisolone	Medrol
Methyltestosterone	Metandren
Methysergide	Sansert
Metiamide	
Metoclopramide	Reglan
Mexilitine	Mexilil
Milrinone	
Mometasone	Elocon
Montelukast	Singulair
Nabumetone	Anthraxan, Relafen, Reliflex
Naepaine	Amylsine
Nandrolone	Nandrolin, Laurabolin, Durabolin
Naphazoline	Privine
Naproxen	Equiproxen, Naprosyn
Nicardipine	Cardine
Nifedipine	Procardia
Niflumic acid	Nifluril
Nimesulide	
Nimodipine	Nemotop
Norethandrone	
Nortestosterone	Nemotop
Orphenadrine	Norlfex
Oxandrolone	Anavar
Oxaprozin	Daypro, Deflam
Oxymetazoline	Afrin
Oxymetholone	Adroyd, Anadrol
Oxyphenbutazone	Tandearil
Oxyphenacylimine	Daricon
Oxyphenonium	Antrenyl
Paramethasone	Haldrone
Pentoxifylline	Trental, Vazofirin
Phenacemide	Phenurone
Phensuximide	Milontin
Phenytoin	Dilantin
Piroxicam	Feldene
Polythiazide	Renese
Pramoxine	Tronothaine
Prednisolone	Delta-Cortef, etc.
Prednisone	Meticorten, etc.
Probenecid	
Procainamide	Pronestyl
Propafenone	Rythmol

Drug	Trade Name
Propantheline	Pro-Banthine
Proparacaine	Ophthaine
Propylhexedrine	Benzedrex
Quinidine	Quinidex, Quinocardine
Rofecoxib	Vioxx
Salicylamide	
Salicylate	
Spironalactone	Aldactone
Stanozolol	Winstrol-V
Sulfasalazine	Azulfidine, Azaline
Sulindac	Clinoril
Tenoxicam	Alganex, etc.
Terfenadine	Seldane, Triludan
Testosterone	
Tetrahydrozoline	Tyzine
Theobromine	
Thiosalicylate	
Thiphenamil	Trocinate
Tiaprofenic acid	Surgam
Tocainide	Tonocard
Tolmetin	Tolectin
Tranexamic acid	
Trenbolone	Finoplix
Triamcinolone	Vetalog, etc.
Triamterene	Dyrenium
Trichlormethiazide	Naqua, Naquasone
Tolmetin	Tolectin
Tranexamic acid	
Tridihexethyl	Pathilon
Trimeprazine	Temaril
Tripolidine	Actidil
Tuaminoheptane	Tuamine
Vedaprofen	
Verapamil	Calan, Isoptin
Xylometazoline	Otrivin
Zafirlukast	Accolate
Zeranol	Ralgro
Zileuton	Zyflo
Zomepirac	Zomax

## (5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications.

Drug	Trade Name
Anisindione	
Cilostazol	Pletal
Cimetidine	Tagamet
Cromolyn	Intel
Dicumarol	Dicumarol
Dimethylsulfoxide (DMSO)	Domoso
Dimethylsulphone (MSM)	
Diphenadione	
Famotidine	Gaster, etc.
Lansoprazole	
Misoprostel	Cytotec
Nedocromil	Tilade
Nizatidine	Axid

Drug	Trade Name
Omeprazole	Prilosec, Losec
Phenindione	Hedulin
Phenprocoumon	Liquamar
Pirenzapine	Gastrozepin
Polyethylene glycol	
Ranitidine	Zantac
Warfarin	Coumadin, Coufarin

## (6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations. These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-012, § 260-70-680, filed 3/8/07, effective 4/8/07; 06-09-009, § 260-70-680, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-680, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-680, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-720 Posterior digital neurectomy. (1)**

No person may bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as an agent in the sale of any horse on the grounds under the jurisdiction of the commission that has had a posterior digital neurectomy performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) A horse upon which a posterior digital neurectomy has been performed is eligible to race if the following conditions are met:

(a) Prior approval of an official veterinarian has been obtained before the horse was brought onto the grounds of the racing association;

(b) An official veterinarian is satisfied that the loss of sensation to the horse due to the posterior digital neurectomy will not endanger the safety of the public and the participants in racing and does not compromise the integrity of horse racing;

(c) The racing secretary is notified of the posterior digital neurectomy at the time the horse is admitted to the grounds of the racing association; and

(d) The horse's registration or eligibility certificate has been marked to indicate that a posterior digital neurectomy was performed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-720, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-720, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-720, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-720, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-730 Postmortem examination. (1)** The commission may require a postmortem examination of any horse that is injured on the grounds of a racing association during its scheduled race meet and training periods, while the horse is in training or in competition and that subsequently expires or is destroyed, or any horse that expires while housed on the grounds. In proceeding with a postmortem examination the commission or its designee will coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) Trainers and owners must cooperate with such action as a condition of licensure.

(3) An official veterinarian may take possession of the horse upon death for postmortem examination. An official veterinarian may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal will be borne by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-730, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-730, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-730, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-730, filed 4/17/96, effective 5/18/96.]

## Chapter 260-80 WAC PROHIBITED PRACTICES

### WAC

260-80-010	Offering or accepting a bribe.
260-80-030	Entering ineligible horse.
260-80-040	Offer or receipt of benefit for scratching an entry.
260-80-050	Corrupt or fraudulent practice and conspiracy.
260-80-060	Betting for account of jockey.
260-80-070	Offers, gifts, to jockey.
260-80-100	Appliance to alter speed of horse.
260-80-110	Tampering with horse.
260-80-130	Improper language.
260-80-140	Disturbing the peace.
260-80-145	Safe practices while on horseback.
260-80-150	Mistreatment of horses.
260-80-160	Engaging in criminal activity.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-80-020	Accepting bribe. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 66, filed 4/21/61.] Repealed by 07-07-013, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
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**WAC 260-80-010 Offering or accepting a bribe.** No person may give, offer, promise, or accept, directly or indirectly, either in his/her own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of improperly influencing the result of a race, or which would tend to influence the result of a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-010, filed 3/8/07, effective 4/8/07; Rules of racing, § 65, filed 4/21/61.]

**WAC 260-80-030 Entering ineligible horse.** No person may willfully enter, or cause to be entered, or start a horse that he/she knows or believes to be ineligible or disqualified.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-030, filed 3/8/07, effective 4/8/07; Rules of racing, § 67, filed 4/21/61.]

**WAC 260-80-040 Offer or receipt of benefit for scratching an entry.** No person may offer or receive money or any other benefit for withdrawing or scratching an entry from a race.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-040, filed 3/8/07, effective 4/8/07; Rules of racing, § 68, filed 4/21/61.]

**WAC 260-80-050 Corrupt or fraudulent practice and conspiracy.** No person may commit any corrupt or fraudulent practice in relation to racing, nor may any person conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-050, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 69, filed 4/21/61.]

**WAC 260-80-060 Betting for account of jockey.** No person may make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then the bet may only be placed on the horse being ridden by that jockey to win or finish first in combinations with other horses in multiple wagers. Records of such wagers must be kept and made available upon request of the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-060, filed 3/8/07, effective 4/8/07; Rules of racing, § 70, filed 4/21/61.]

**WAC 260-80-070 Offers, gifts, to jockey.** No person may offer or give a jockey any money or other benefit in relation to a race except the owner or trainer of the horse ridden in that race by the jockey.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 71, filed 4/21/61.]

**WAC 260-80-100 Appliance to alter speed of horse.** (1) No electrical or mechanical device or other appliance designed or intended to increase or decrease the speed of a horse, or that would tend to increase or decrease the speed of a horse, other than the ordinary whip may be possessed by anyone or applied by anyone to a horse, at any time on the grounds of an association, during a meeting whether in a race or otherwise.

(2) Any person aiding or abetting in the use or possession of, or soliciting or inducing the use or possession of such a device or appliance will be subject to the same penalties as the penalty for possession or use.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-100, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-100, filed 3/10/06, effective 4/10/06; Order 6, § 260-80-100, filed 12/3/70. Rules of racing, § 74, filed 4/21/61.]

**WAC 260-80-110 Tampering with horse.** No person may tamper or attempt to tamper with any horse in such a way as to affect the horse's speed in a race, or in such a way as is intended to affect the horse's speed in a race, nor may any person counsel or in any way aid or abet any such tampering.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-110, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-110, filed 3/10/06, effective 4/10/06. Rules of racing, § 75, filed 4/21/61.]

**WAC 260-80-130 Improper language.** No person may use improper, profane or indecent language to a commissioner, racing official, or any employee of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 16, filed 4/21/61.]

**WAC 260-80-140 Disturbing the peace.** A person may not unreasonably disturb the peace while on association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-140, filed 3/8/07, effective 4/8/07; 06-15-092, § 260-80-140, filed 7/14/06, effective 8/14/06; Rules of racing, § 17, filed 4/21/61.]

**WAC 260-80-145 Safe practices while on horseback.** All persons while on horseback must ride in a safe and prudent manner on the grounds of a racing association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-145, filed 3/8/07, effective 4/8/07.]

**WAC 260-80-150 Mistreatment of horses.** No person may subject any horse to any form of cruelty, mistreatment, neglect, abuse, abandonment, injury, maiming or killing or administer any noxious substance to or deprive any horse of necessary care or sustenance, shelter or veterinary care. This section does not apply to treatment or euthanasia of a horse by a licensed veterinarian consistent with standard veterinary practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-150, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-150, filed 3/10/06, effective 4/10/06.]

**WAC 260-80-160 Engaging in criminal activity.** While on association grounds no person may engage in any activity that would constitute a criminal act in the state of Washington.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-160, filed 3/8/07, effective 4/8/07.]

## Chapter 260-84 WAC PENALTIES

### WAC

260-84-060  
260-84-065

Penalty matrixes.  
Licensees—Drug and alcohol penalties.

**WAC 260-84-060 Penalty matrixes.** (1) The imposition of reprimands, fines and suspensions shall be based on the following penalty matrixes:

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Disturbing the peace WAC 260-80-140	Warning to \$200 and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel or failure to report correct stall or registration paper count for L&I purposes (trainer's responsibility) WAC 260-28-230 and 260-36-220	Required to pay full labor and industries premium and assessed a fine equal to 50% of the premium due		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		
Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120	Warning to \$50		
Licensing - providing false information on application WAC 260-36-120	\$50 to \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$200 to \$500 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning to \$50	\$100 and recommend racing association revoke vehicle pass	
Financial responsibility WAC 260-28-030	Resolve within 30 days or before the end of the meet (whichever is sooner) or suspension		
Failure to appear - for ruling conference WAC 260-24-510	Suspension		

<b>Class A and B Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$75	\$100	\$200
Reporting incorrect weight - jockeys WAC 260-32-150	\$50	\$100	\$200
Failure to appear for films - jockeys WAC 260-24-510	\$50	\$100	\$200
Failure to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Easing mount without cause WAC 260-52-040	\$250	\$250 and/or suspension	\$500 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning to \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	1 year suspension plus mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-40-140 and 260-80-030	\$50	\$100	\$100
Arriving late to the paddock WAC 260-28-200	Warning to \$50	Warning to \$50	\$50 to \$100
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50 to \$100	\$100	\$100
Failure to obtain permission for equipment changes WAC 260-44-010	Warning to \$50	\$100	\$100
Failure to report performance records WAC 260-40-100	Warning to \$50	\$100	\$150
Insufficient workouts - resulting in scratch WAC 260-40-100	\$50 to \$100	\$100	\$100
<b>Class C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Disturbing the peace WAC 260-80-140	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel or failure to report correct stall or registration paper count for L&I purposes (trainer's responsibility) WAC 260-28-230 and 260-36-220	Required to pay full labor and industries premium and assessed a fine equal to 50% of the premium due		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		

<b>Class C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Licensing failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120	Warning to \$25		
Licensing - providing false information on application WAC 260-36-120	\$50 to \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning to \$50		
Financial responsibility WAC 260-28-030	Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension		
Failure to appear for ruling conference WAC 260-24-510	Suspension		
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$25	\$50	\$100
Reporting incorrect weight - jockeys WAC 260-32-150	\$25	\$50	\$100
Failure to appear for films - jockeys WAC 260-24-510	\$25	\$50	\$100
Failure to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning to \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	1 year suspension plus mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-40-140 and 260-80-030	\$25	\$50	\$50
Arriving late to the paddock WAC 260-28-200	Warning to \$25	\$50	\$50
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50	\$100	\$100
Failure to obtain permission for equipment changes WAC 260-44-010	Warning to \$50	\$50	\$50

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$50	\$100	\$250 plus possible suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to \$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$25	\$50	\$100
Failure to follow instructions of the outrider WAC 260-24-690	\$50	\$100	\$200
Failure to complete provisional license application within fourteen days WAC 260-36-200	Warning to \$100 and denial of license	\$250 and denial of license	\$500 and denial of license
Failure to pay or default on L&I payment agreement WAC 260-28-235	Per L&I premium payment agreement, immediate suspension until paid plus \$25 for each quarter payment is late		
Failure to register employees with the commission (trainer's responsibility) WAC 260-28-230	Warning to \$50		
Unlicensed person on the backside WAC 260-20-040 and 260-20-090	Report violation to the racing association		
Failure to wear proper safety equipment WAC 260-12-180	\$50	\$100	\$200
Failure to display or possess license badge when in restricted area WAC 260-36-110	\$25	\$50	\$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee shall include violations, which occurred in Washington as well as any other recognized racing jurisdiction. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column shall apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a). For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the parimutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-84-090.

(6) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020, 07-03-066, § 260-84-060, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.-040, 06-07-058, § 260-84-060, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05. Rules of racing, § 381, filed 4/21/61.]

**WAC 260-84-065 Licensees—Drug and alcohol penalties.** (1) Engaging in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2).

- (a) First offense - thirty-day suspension; and
- (b) Second or subsequent offense - one-year suspension and referral to the commission for revocation.

(2) Possessing any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance, other than marijuana in violation of WAC 260-34-020(5); or possessing or having within their body while on the grounds of a licensed race meet any illegal controlled substance, in violation of WAC 260-34-020 (1) or (4).

- (a) First offense - thirty-day suspension; and
- (b) Second offense - one-year suspension and referral to the commission for revocation.

(3) Possessing any equipment, products or materials of any kind, which are used or intended for use in ingesting, inhaling or otherwise introducing into the human body marijuana, in violation of WAC 260-34-020(5); or possessing or having within their body marijuana, an illegal controlled substance, while on the grounds of any licensed race meet, in violation of WAC 260-34-020(1).

- (a) First offense - three-day suspension;
- (b) Second offense - thirty-day suspension; and



(c) Third or subsequent offenses - one-year suspension and referral to commission for revocation.

(4) Being under the influence of or affected by intoxicating liquor and/or drugs in violation of WAC 260-34-020(1).

(a) First offense - warning to one-day suspension;

(b) Second offense - three-day suspension;

(c) Third offense - thirty-day suspension; and

(d) Subsequent offenses - one-year suspension and referral to commission for revocation.

(5) Refusing to submit to a drug or alcohol test, in violation of WAC 260-34-020(6) will result in a penalty of a one-year suspension plus referral to the commission for revocation.

(6) Possessing any equipment or material used to manufacture or distribute any controlled substance, or engaging in the sale, manufacturing or distribution of any illegal controlled substance or possessing an illegal controlled substance with intent to deliver on the grounds of any licensed race meet in violation of WAC 260-34-020 (3) or (5), immediate ejection from the grounds, a one-year suspension plus referral to the commission for revocation.

(7)(a) For violations of WAC 260-34-020 (1) and (4), the board of stewards may stay a suspension if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

(i) Remain in compliance with the rehabilitation and/or treatment program.

(ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission security investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards, after a conference, finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this subsection, the board of stewards has discretion to impose the original suspension authorized by this rule. If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(8) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test

positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(9) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

[Statutory Authority: RCW 67.16.020, 07-03-066, § 260-84-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.-040, 06-07-058, § 260-84-065, filed 3/10/06, effective 4/10/06.]